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# THE RUBRIC

IN THE

## BOOK OF COMMON PRAYER

AND

## THE CANONS

OF THE

## CHURCH OF ENGLAND,

SO FAR AS THEY RELATE TO THE PAROCHIAL CLERGY,

CONSIDERED,

IN A COURSE OF VISITATION CHARGES.

TO WHICH ARE ADDED

THREE DISCOURSES ON PREACHING.

---

BY THOMAS SHARP, D. D.

ARCHDEACON OF NORTHUMBERLAND.

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OXFORD,

AT THE UNIVERSITY PRESS.

MDCCCXXXIV.

Theology Library  
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TO  
THE REVEREND  
THE CLERGY  
OF  
THE ARCHDEACONRY OF NORTHUMBERLAND.

AS these discourses were composed entirely for your use, my Brethren, and were addressed in their delivery to you alone, I should have seemed to obstruct their original design, if I had not readily complied with your desire of making them public: and I should have appeared equally unmindful of the right and title you have in them, if I had not inscribed them to you at their publication, and begged your acceptance of them in this form of your own choosing.

It must indeed be confessed, that what is spoken in our courts of *ordinary visitation*, is usually done with no small disadvantage to the hearers, whose attention is too often interrupted, or at least rendered very incommodious, by circumstances unavoidable on those occasions. And therefore a private and unmolested perusal of these Charges which these sheets will afford you, may enable you to judge better of them,

than you could possibly do at the time of hearing them. And if, upon a cool and deliberate examination of them, you shall not withdraw the approbation which you have signified by your late kind request, you will make this further tender of my respects to you greatly satisfactory to myself.

There are other advantages also that may accrue, from my presenting them to you collected thus into one system or body. The chief of which, as I esteem it, is, that by this means many of you who had no concern in the ministry, at least not here, and consequently no call to my visitations when I first entered upon these subjects, or who were occasionally absent while I was prosecuting them, will have the opportunity of seeing the whole plan executed, and the several parts of it, which were before detached, and exhibited at great distances from each other, now brought together into one point of view. More than twenty years are elapsed, since I undertook the handling of these matters at those stated seasons: a period of time within which a great alteration has been made by the course of nature, both in the beneficed and assisting clergy: so that few of those who have heard the Charges that make the latter part of this collection were present at my delivery of the former.

I have likewise taken the benefit of the press in subjoining, by way of annotation, what could not be conveniently inserted in the body of the Discourses themselves; viz. several little particulars subservient to their explication and illustration, such as, references to the authors I had cited, or from whom I had borrowed materials;—many occasional remarks, and some few discussions of points, which, though less significant, are yet relative to the main subject. And as the history of a rubric or canon, traced down from the earliest known appointment of it in this realm to its present approved establishment, is the surest way of coming at its true intention and use, I have therefore more particularly endeavoured to supply in the notes whatever was wanting of this kind in the Charges themselves: and as they will by this means become more useful and instructive to the younger clergy, so I am willing to persuade myself that they will not for this reason be less acceptable to the elder, who are better versed in the Ecclesiastical History of our Church.

I do not know how far my experience, as a parochial minister, may be presumed to give any weight to the advices I have offered you under another character, which I have had the undeserved honour to bear for the space of thirty years among you. Yet as I have been

all that while, and a still longer time, a fellow pastor with you and your predecessors in this archdeaconry, and have given no slight attention to that more important, though less distinguished employment in the church; I flatter myself that I have had experience sufficient to justify the use I have made of it in these compositions. And I can truly plead in behalf of my Charges to you, that they are not merely the dictates of office, but consist in good measure of sentiments formed upon observation, and confirmed by practice in the ministry.

Some of you may remember, and can witness, that I did not venture to pass my judgment on these subjects, or to use the privilege of my station in discussing them in public, till I had been exercised myself above ten years in an extensive cure; and consequently could be no stranger to the executive part of those ecclesiastical laws, which I undertook to explain and enforce. And now I may venture further to assure you, that I have enjoined you nothing but what I first had made a rule of to myself; that I have proposed nothing to any of you as expedient to be observed in your several cures, but what I have experimentally found to be both practicable and convenient, at least in country parishes, such as I serve myself, and such as most of you are placed in; and, lastly,

that, in whatever instances I have taken the liberty in my own practice to depart from the letter of the laws, in all such instances I have likewise left you free to act according to your own discretion and prudence.

Were I destitute of this apology for what I have given you in charge, it would scarce be reasonable to expect you should pay regard to what I have said. But, even when I have pleaded this in my defence, it must be left altogether to your judgment, whether this is a circumstance that can otherwise befriend these Discourses, than as it gives them a decency and propriety, without which they must have wanted the principal thing necessary to recommend them.

A notion too commonly prevails of insuperable difficulties attending a strict conformity to the ecclesiastical laws in our present circumstances; wherefore I have endeavoured in every instance of our obligations, either from rubric or canons, to obviate this objection, and reconcile law with practice, by shewing how our conduct may be adjusted to our rule, and rendered uniform and irreproachable in itself, as well as consistent with, and agreeable to, those laws by which it is to be regulated.

I cannot tell indeed how some things that I have observed, about conformity to rubric, may

appear to our brethren, in some other parts of this realm, and chiefly in those great and populous towns where customs repugnant to the ecclesiastical laws, and in manifest violation of them, have unhappily prevailed: and particularly in the articles of marriages, baptisms, churchings, &c. All I can say is, that I did not mean herein to pass censures on other clergymen, who are differently circumstanced from what we are here. I am not indeed so good a judge of their situations and opportunities as I am of yours; nay, I am sensible that some things practicable with us can scarce be said to be so, as matters now stand, in some other places, particularly in the capital of this kingdom; where the difficulties that the parochial clergy must necessarily meet with in their attempts to govern their ministration by the prescribed rules of the church, after custom and fashion have established a practice contrary to those rules, are justly to be complained of, and greatly to be lamented by them.

But the case is otherwise within this jurisdiction, where, although some irregularities have been occasionally committed, yet they have always been condemned as innovations upon church-discipline, and unwarrantable; and they have never grown into an avowed or customary practice. And therefore what I have urged

against such misbehaviours, on purpose to prevent their coming by degrees into more frequent usage, and, I conceive, justly urged with respect to you, should not be rigidly interpreted to the blame or offence of our brethren, in other jurisdictions, with whose ministerial acts I am not concerned, and whose peculiar distresses from the predominancy of custom over church authority in the places where they serve, fell not within the verge and compass of my inquiries. So that the determination of all such extraordinary cases as arise from the local impediments above mentioned, are left by me (as it is fit they should) to the judgment of those clergymen who by experience understand the state of these cases best, and to the wisdom of their ecclesiastical superiors, who alone, as I apprehend, have the power to relieve them effectually under such circumstances; and who alone must judge at what time, and in what manner, it will be most prudent to attempt the relief of their inferior clergy in this disagreeable situation.

But there are other things in these Discourses, especially in the twelve last, which are a kind of commentary upon those canons which relate to our order, under the title of ministers and their functions, that may chance to meet with a better reception from our brethren in other dio-

ceses; as well because this is the first attempt of that sort, so far as I know, that has been hitherto made, as because it has been my principal aim and endeavour, throughout, to give reasonable solutions to such questions as any clergyman, who is unpractised in canon law, and a stranger to these studies, would be apt to ask upon reading our canons, respecting his administrations, subscriptions, and conversation. And, where I have not resolved any such question directly, I have at least brought together the proper materials for its resolution, having laid down such general rules for interpreting the constitutions wherein we are concerned, as will, by a proper application of them, make the determination of particular cases pretty clear and obvious.

I should be glad, if what I have done this way might prove a means of exciting more able persons to the same useful undertaking; being persuaded that, if these subjects were prosecuted by more skilful hands, the obligations of the parochial clergy to conform to the ecclesiastical laws might be exhibited with greater accuracy, as well as enforced by better authority.

In the mean time it is enough for me that I have been so happy as to obtain your testimony, that what I have prepared on these sub-

jects for your consideration has been done to your satisfaction. And, whatever judgment shall be passed on these Discourses in other dioceses, yet I am willing to hope for good effects from them within this jurisdiction to which we belong. And give me leave to assure you on this occasion, that your good success and credit in the ministry have long been, and always will be, among the warmest wishes of

Your affectionate brother

and faithful servant,

**THOMAS SHARP.**

DURHAM,

March 13, 1753.



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THE first Discourse in this Collection was delivered at the visitation held in the year 1731, at Belford, Rothbury, and Corbridge, in the county of Northumberland, and at Newcastle-upon-Tyne.

The rest were delivered in the several years following, according to the dates prefixed to each Discourse, at the visitations held at Alnwick and Morpeth in Northumberland, and Newcastle-upon-Tyne.

# VISITATION CHARGE ANNO 1731.

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## DISCOURSE I.

*Different degrees of obligation to the Ecclesiastical Laws.*

REVEREND BRETHREN,

NOT having at this time any thing in particular to charge you with, I shall assume a general topic; which without any further preamble shall speak its own propriety and suitableness to the occasion;

And that is, to inquire into the measures of obedience due from us of the parochial clergy of this established church to those ecclesiastical laws, constitutions, and rules, which relate to ourselves and the duties of our function: and how far we may with a good conscience, and without deserving to be charged with the breach or violation of them, depart from the literal meaning or precise observation of them, and how far we may not.

It appears upon the very putting or stating this question, that it is not to be understood of any duties to which we are antecedently bound by the laws of the gospel, either as men or as clergymen; but only of such ordinances as are merely ecclesiastical, and in their own nature indifferent, being no more than rules of discipline, order, and decency, to the observance of which we are bound only by the local constitutions of our national established church.

Now some are of opinion that if we do but answer the general intention of our governors in making those statutes and canons and constitutions, of which collectively our ecclesiastical law consists, though we do not keep strictly to the letter of them, we do what is sufficient to answer our obligations. And though what we do may be called with regard to the rules themselves irregular; that is to say, strictly speaking, unstatutable, or unrubrical, or uncanonical; according as it respects the different kinds of laws that are in force; and as such will properly be a default cognisable either in the spiritual or temporal courts; yet, say they, wherever custom hath given a kind of sanction to these irregularities, and the executive powers have usually neglected to enforce the literal and punctual observance of the laws, there we are dispensed with, and are left at liberty to act according to our judgment: that, as there is no peril, so neither is there any harm in using our own discretion in all such cases.

But others there are, on the contrary, who think this sort of reasoning not just; but tell us, that wherever our rule is clear and express, though we may not see the expediency of it, yet we are bound to follow it strictly, provided it be a practicable thing: nor are we allowed to deviate from it in any wise on account of our own opinion of the design of our governors in enjoining it; of which design we are not to make ourselves the judges, further than as it appears from their own words, which we are to interpret by the common rules of construction. That, wherever the direction is not sufficiently plain and explicit, there we must be guided by our local

ordinary, whose determination must be our rule. That, as all these laws, however pertaining to things indifferent, were designed on the one hand to shut out superstition, and prevent all gradual advances to a religion of ordinances ; and on the other hand to preserve not only a public face and appearance of ecclesiastical polity, but a decency and decorum in it ; neither of which ends can be duly answered without uniformity, that is, unless we do all agree in the same observances ; so consequently, say they, all innovations, all alterations, either way, in the same rule must be prejudicial to our present church establishment ; at least till such alterations shall be made by proper and sufficient authority.

Here lies the force of what is to be said on either side of the question. And we cannot but confess that both these ways of arguing may be in their turns admissible ; that is, though they cannot both be rightly urged for one and the same thing, yet they may both take place in the variety and different circumstances of those rules that are enjoined us by authority : although perhaps it may not be easy to ascertain the precise bounds for each of these ways of reasoning, and to assign the point where one of them will end, and the other begin.

It is true, it were easy to distinguish between such laws as are of greater or less moment or expediency to be observed by us ; or between such as are bound upon us by greater or less sanctions or penalties : or between such as have seemingly more or less validity and force by their being or not being repeated and promulgated in different forms. But still none of these distinctions will reach our present question. For whatever is law, to speak properly,

and according to the juridical maxim, doth not *suscipere magis et minus*. Upon which reasoning, lawful canons and constitutions have been adjudged to be as much law, and as good law, as statutes. And therefore the resolution of our present inquiry must be put upon some other footing.

Now I shall be free to tell you my own thoughts of the matter; though, at the same time, I do not propose them as certain rules for any of you. Surely it concerns every clergyman to be his own judge and casuist in these points. Every man will have his own sentiments concerning his own personal obligations. However, it may help your private way of thinking on this subject, if I offer to you the result of my own reflections upon it.

In the first place, then, I apprehend we ought to make a difference (and it is a material one in our present case) between those laws and rules, to the observance of which we have bound ourselves by public declarations and express promises, and those which are bound upon us by authority only, without our formal consent or voluntary stipulation to observe them. For, in this latter case, where our obligations arise merely from the authority that prescribes, some things may be justly and reasonably pleaded for a dispensation for non-observance, which yet cannot on any pretence be alleged in the former case, where we have by one or more voluntary acts made ourselves parties, and have with great solemnity tied ourselves up to the performance of any rite or ceremony: provided such law or custom be not against the laws of God; which we are supposed to be clearly satisfied in, before we enter into such engagements.

Hence then we learn upon how different a footing our rubric, to which we have thus bound ourselves by express consent and promise, is from all other ecclesiastical laws, where our personal engagement is out of the question. For without considering the rubric as statute, and as such only upon the level with several other subsequent acts of parliament relating to our occasional ministrations, we are under this peculiar circumstance of obligation to observe it, that we have by our subscriptions at both ordinations, by one of our vows at the altar for the order of priesthood, by our subscriptions and declarations of conformity before our ordinary, and repetition of them in the church before our congregations, and likewise by our declarations of assent and consent, as prescribed in the act of uniformity ; I say we have in all these several ways tied ourselves down to a regular, constant, conscientious performance of all and every thing prescribed in and by the Book of Common Prayer according to the usage of the church of England. And seeing it hath been the wisdom of our church to lay us under these engagements, in order to preserve exact uniformity in public worship, and all the liturgic offices ; nay, since it hath been judged proper to carry us through a train of these stipulations before we can get possession of any benefice ; and to make us renew them again and again, as often as we change our preferment, or obtain any new promotion ; and seeing that we have entered (as we have professed) *ex animo*, into this covenant with the church, and have deliberately renewed it, as often as there hath been occasion ; how frivolous is it for any of us to say, that the connivance, or the presumed consent

of our ordinary, or the private conveniency of ourselves or families, or the obliging any of our parishioners, or the apparent inexpediency of adhering to the letter in some few cases, will dissolve this our obligation to conformity ! Why surely we must know that these and the like allegations are quite out of the case ; that however our church governors may dispense with our breaches of rubric, however our people may acquiesce in them, or approve of them, yet that the question is, how far we are at liberty to dispense with ourselves on account of the forementioned engagements, to which God and the church are made witnesses in as solemn a manner, as they are to our personal stipulations at confirmation or matrimony : or whether we have not in this case precluded ourselves from all benefit of such exemption or dispensation, as might perhaps be reasonably alleged in several other merely statutable or canonical matters.

This indeed we must always take along with us, that our obligations to observe rubric, how indispensable soever, are subject to this proviso, viz. that the rule prescribed be a thing practicable ; which perhaps cannot be said of all rubrics in all churches, or in all places of the kingdom ; nay, that it be a thing that falls within the minister's power, so that he be not deprived of his liberty in acting, or restrained in it by the previous acts of other people ; whereby what would be practicable in itself is rendered not practicable by him. I will not positively say, that no other proviso is to be allowed of or admitted ; because this cannot be determined absolutely, or otherwise than by a particular consideration of each rule or injunction under several different

circumstances, which I shall hereafter (God willing) examine distinctly. But at present we may affirm in general, that we are under higher obligations to observe rubric, than any other ecclesiastical law whatsoever; that, excepting a very few cases, or under some necessary limitations and reservations, to be hereafter specified, we are bound to adhere to it literally, punctually, and perpetually: and that whosoever among the clergy either adds to it, or diminishes from it, or useth any other rule instead of it, as he is in the eye of the law so far a non-conformist, so it behoves him to consider with himself, whether in point of conscience he be not a breaker of his word and trust, and an eluder of his engagements to the church.

Proceed we then to inquire how the question stands with respect to the remaining large body of ecclesiastical laws which relate to our function, and to which we are not bound by any formal promise, but only by virtue of their own authority.

And here, in the second place, I apprehend we may look upon ourselves as discharged from all such as are by length of time, and through desuetude, antiquated and grown obsolete, though they were never actually repealed by any proper authority. That is to say, there are a great many old ecclesiastical laws and rules which were once binding upon the clergy, and which yet make no small part of the ecclesiastical code, which notwithstanding have been abrogated and repealed (if I may so speak) by the mere authority of custom; the legislature in the mean time acquiescing in their dormancy. Of this sort are the provincial and legatine constitutions; though the provincial indeed, pro-

perly speaking, never belonged to the clergy of this province, although they were in part received. But if they had belonged, as well as the legatine, yet their authority nowadays would be as little. I should indeed except the spiritual courts. I do not know what weight the old constitutions may have in them. To those who study the canon law they may be perhaps of great service; but with respect to the parochial clergy, whose obligations I am now considering to conform themselves to the canon laws, these old constitutions seem to have lost their force and credit; and serve at present, like old coins, rather for matter of curiosity or criticism, than for immediate use.

And the same may be said of some statute laws too about ecclesiastical matters enacted before the reformation; which none of us will think ourselves obliged to regard, though they stand in the statute books to this day, unrepealed, otherwise than, as I said before, by custom and usage. In these cases, where long desuetude and a determined avowed connivance of the executive powers have granted a full toleration and exemption from the penalties of non-observance, I conceive we are left at our own liberty.

Thus far we have taken the matter in the two extremes; and considered where our obligations are at the highest, and where they are at the lowest, or, rather, where they cease and determine. Now whatever falls between these two will make a third and a mixed class. And here particularly will fall our present body of canons of 1603, and also such occasional acts of parliament as have been made since the reformation.

Now as to the canons in particular, I believe no one will say that we are bound to pay obedience to them all according to the letter of them. For the alterations of customs, change of habits, and other circumstances of time and place, and the manner of the country, have made some of them impracticable; I mean prudentially so, if not literally. Others of them are useless and invalid of course, through defect of proper officers and proper inquiries to render them of force and effectual: and there are hardly any of them but what have been upon extraordinary occasions dispensed with by our governors. And yet, on the other hand, that they are of very considerable authority appears from hence, that they are the standing ecclesiastical laws of the realm, the constant rules of the ordinaries' inquiries at their visitations, the grounds of presentments of delinquents and irregularities, upon oath, and the foundation upon which ecclesiastical censures and judgments commonly stand.

Our present question then must be, what measures of obedience we of the clergy owe to those canons which respect our own behaviour or function.

To which I answer, that, in my own opinion, there are three sorts of dispensations which will justify us in not strictly following the letter of the canons, provided we always have an eye and regard to the general design of them.

The first sort are formal and express dispensations from sufficient authority; which are good in law and conscience too.

The second are particular tacit dispensations; that is, when the ordinary or other proper guardian

or conservator of the ecclesiastical laws is known to be consenting in any special case, though he doth not signify such consent either by instrument or open declaration. And these I hold to be good in conscience, whatever they be in law.

The third are general tacit dispensations; when the ordinaries or other spiritual judges, whose business it is to enforce discipline and rule do appear, by a general and avowed neglect of putting the canons in force, to agree and consent to their non-observance. That is to say; private clergymen do not seem to be bound to what their superiors in the church do not seem to expect or require of them; or which at least they do forbear by mutual agreement to enforce. If there is any fault here, it lies rather at the door of church governors, than the parochial clergy. However, while they look to that who are most concerned in it, I proceed to observe,

That these three kinds of dispensations seem to be good and justifiable, provided, as I said before, that there be a particular expediency in not adhering strictly to the letter of the canons, and the general and main design of the rules enjoined in them be as well or better answered another way. For otherwise, where the thing is both feasible and unexceptionable, so that a man may as well follow the rule as not, I cannot think but that he is strictly bound by it, notwithstanding any kind of dispensation to the contrary. For all dispensations are supposed to be founded upon some sufficient reason why such particular things should not be literally observed by such particular persons. Nor is there any liberty to be taken with the standing ecclesiastical laws, further than there is a good reason, and a peculiar

expediency, as well as license, given or presumed thereupon, for taking it.

The rules of direction then, which follow upon these observations, are these two; which indeed not only respect the canons, but several other statute laws yet in force.

First, to adhere closely and strictly to the letter of them in all cases where we cannot plead any of the three kinds of dispensations above mentioned.

Secondly, in all cases where we can plead a dispensation from the letter, to answer the true intention of them some other way, and not to depart further from them than we have satisfactory reasons, as well as leave, to justify and warrant us in doing.

And by these two rules it will be no difficult thing to take the just measures of our obedience to every particular canon or statute that relates to our function, habit, or conversation.

I have indeed all the way purposely avoided giving instances of those particular statutes, canons, and constitutions which I had in my eye in the course of these observations, because this would have taken up too much of our time now. But I intend, with God's leave, hereafter, as future opportunities may allow, to apply what is now said in general to all the particular cases, as well rubrical as canonical, in which we are, or ordinarily can be, concerned.

At present I shall only confirm the distinction I have made between our obligations to observe rubric and canons by a parallel case taken from the doctrines to which our church hath required our assent and approbation to be expressed, but in a different degree and manner.

The Thirty-nine Articles and the two books of

Homilies are the doctrine of this national church, as established since the reformation. In like manner the rubric and canons are the standing laws of this church. And as the Articles and Homilies are set forth by authority to be the rule of our doctrine who are admitted to be teachers in this church ; so likewise the rubrics and canons are to be the rule of our ministration who are appointed to officiate in this church.

Now we shall find upon examination, that the same degree of preference that is given to the Articles of Religion before the Homilies in point of doctrine, is given to the rubric before the body of canons in point of practice.

The Thirty-nine Articles, for instance, being the capital rule of our doctrine, as we are teachers in this church, (they being this church's interpretation of the word of God in scripture so far as they go,) and designed as a bulwark against popery and fanaticism ; we are bound to a very full and explicit acknowledgment under our hands that we do deliberately and advisedly, and *ex animo*, assent to every part and proposition contained in them. For this every body knows to be the meaning of clerical subscriptions, both before ordination, and as often as the three articles of the thirty-sixth canon are subscribed by us.

In like manner the rubric being the standard of uniformity of worship in our communion, the adding to which tends towards opening a gap to popish superstitions, and the increase of human inventions in the service of God ; and the subtracting from which tends towards paving a way to a fanatical disuse and contempt of rites and ceremonies ; therefore

we are obliged, not only to declare our *ex animo* approbation, assent, and consent, to the matter of the rubric, but are laid under religious promises, that we will in every particular prescribed in and by it conform ourselves to it as the rule of our ministration.

And indeed considering that both the articles and the rubric are statute as well as canon law, and have equally the sanction and authority both of the temporal and spiritual legislatures ; and considering the condition upon which we are admitted to minister in this established church, which is our solemn reception of them both as our rule ; I do not see how any man can with a good conscience continue acting as a minister of our church, who can allow himself either to depart from her doctrine as expressed in her Articles, or from her rites and ceremonies as prescribed in the Service Book. Wherefore, it is not without reason, that the thirty-eighth canon, which is entitled *Revolters after Subscription censured*, expressly denounces, “ that if any minister after “ having subscribed the three articles of the thirty- “ sixth canon shall omit to use any of the orders “ and ceremonies prescribed in the communion book, “ he shall be suspended ; and if after one month he “ reform not, he shall be excommunicated ; and if “ after the space of another month, he submit not “ himself, he shall be deposed from the ministry.”

Under such strong securities hath our church obliged us to be observant of rubric.

But then the case of Homilies and Canons is different from that of the Articles and Rubric. They are indeed equally set forth by authority. The one is as truly the doctrine, and the other is as truly the

law of the church. But still the regard that we are supposed to pay to them is not equally the same. For, though we subscribe to the Homilies, yet this subscription amounts to no more than our acknowledgment that “they contain a godly and wholesome “ doctrine necessary for the times they were written “ in, and fitting to be publicly taught unto the people;” and not that we will maintain every particular doctrine, or argument, or assertion, contained in them.

In like manner we say as to the canons. We receive them in general as a good body of ecclesiastical laws. We acknowledge the wholesomeness and fitness of them all for discipline, and order, and edification, and proper in every respect for the times in which they were drawn up. But we do not look upon every particular thereby enjoined as absolutely and indispensably requisite to be practised now by us in the manner it is enjoined, any more than we hold our approbation of every sentence or expression in the book of Homilies to be necessary. And as the laws allow licenses to be granted to certain persons to preach their own sermons, instead of reading homilies to the people; nay, as we universally presume upon such license, though we have not a regular one either from our ordinaries or from the universities; so likewise licenses are granted to absolve us formally from our obedience to the canons in certain instances; nay and we do usually in some other instances take the same liberty that we do in preaching without special license; viz. from the constant and apparent connivance of our ordinaries we infer a general tacit dispensation for several practices, which, if examined by the letter of the canons, would ap-

pear illegal and irregular. And I do not see much room to object against making such an inference, provided we always use this liberty we take with the canons with prudence, and caution, and moderation, and by a practice which we suppose will as fully answer the true intention of the canons, as we suppose the preaching our own discourses will answer the true intention of the homilies.

But give me leave to say, that if any man shall extend this liberty, which he takes with the letter of some canons, to rubrical injunctions; and shall presume to innovate, or vary the form and practice therein prescribed him, where no authority doth dispense with him; he is as much to blame, and doth as much prevaricate, and fall from his solemn declarations and professions, as if he extended his liberty of preaching his own sermons without license to the maintaining doctrines in the pulpit contrary to, or inconsistent with, the Thirty-nine Articles of Religion.

And thus much by way of general distinction; the force and truth of which will much better appear, when we shall come hereafter to apply this general plan or scheme which I have now laid down to particular cases, in which we are, or may be, concerned as parochial ministers.

## VISITATION CHARGE ANNO 1733.

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### DISCOURSE II.

*The Rubrics in the Offices of Baptism considered.*

REVEREND BRETHREN,

MY last charge, if you remember, was a kind of general introduction into an inquiry concerning the measures of the obedience, that is due from us, as we are ministers of this established church, to those ecclesiastical laws and constitutions which prescribe the duties of our function. It was proposed in prosecution of this design, as opportunities should offer, to examine into the force and obligation of those several laws and constitutions separately and particularly. It were needless now to repeat any of those general distinctions, which were then made use of, to determine the different degrees of obligation, which those respective laws, upon comparison with each other, seem to carry along with them. Let it only be here remembered, that the rubric claims our first consideration, and that we are more indispensably bound to the observance of that, than of any other public injunction or national ordinance whatsoever relating to our office. The rubric therefore shall be my first topic.

And indeed it is a subject which, in the view we are now to take of it, is but very slightly and indifferently touched upon by any of the commentators

on the Liturgy: who, though they have shewed great learning, and have taken laudable pains to recommend the public offices both to clergy and people, by shewing their antiquity, and pointing out their beauties; yet they do not solve, or hardly attempt to solve, those difficulties that an officiating minister may have upon him, with respect to the ascertaining the true meaning and intention of the several rubrical directions. Whereas this is the very point that I choose to consider, as being the most necessary and useful; and to which I shall wholly confine myself.

It seems most natural to begin with the orders for administering the sacraments; these being the ordinances of the highest rank; for the more punctual observance of which we are required to make a solemn promise at our taking the order of priesthood, “that we will administer the sacraments of Christ, “not only as the Lord hath commanded, but as this “realm hath received the same—so that we may “teach the people with all diligence to keep and ob-“serve the same.” Which, considered with our declarations and subscriptions of conformity, implies that we will keep close to those forms and rules that are prescribed for the due and regular administration of baptism, and the supper of the Lord.

The rubrics relating to the several offices of baptism will suffice for our present consideration.

The first rubric before the office of public baptism directs, that “the people are to be admonished “that it is most convenient that baptism should be “administered only on Sundays and holydays,” (giving also the reason of this convenience,) but with an allowance nevertheless, “if necessity so re-

“ quire, that children may be baptized on any other “ day.” The reason of the former part of this rubric is plain enough: that this office, which is designed to be a public one, shall not be used on such days, or at such hours of the day, when there is no public service performed, or congregation attending; and when consequently the administration of baptism would only be private in effect, though executed within the walls of the church and with the public form. But how the allowance is to be interpreted depends upon the meaning of the word “ ne-“ cessity;” which can hardly be conceived to take place here in any such strict sense as it is used in the rubric before the office of private baptism. For what necessity can there be to prefer any other day for public baptism before a Sunday or holyday, which would not equally warrant a private baptism; that is to say, supposing the expression “if necessity “ so require” be tantamount to that other in the following office, “if need shall compel.” If there were room to believe that both these expressions related to the same cases, or “urgent causes,” then the allowance to baptize “on any other day” must be understood only of private baptisms. But as I fear it can hardly be so construed, especially as provision is made for such cases in the private office, so neither am I able to assign the instances of which it may be properly understood. Should it be alleged that no more might be intended by the expression, than to except some cases of “great inconvenience,” as it seems to be opposed to the words foregoing “most “ convenient,” this meaning might well enough be approved, if such construction might be allowed.

Under such uncertainty, the point that I chiefly

rest upon is this: that it doth not appear that we of the clergy have any power lodged with us to judge and determine what are these cases of necessity or inconvenience which deserve a dispensation, or exception from the general rule. It is said that “the people shall be admonished” to bring their children to be baptized “only on Sundays or holy-days.” Which, I suppose, with regard to us is no more than a general direction to discourage their neglect of this rubric, as we have opportunity, and to put them in mind (as often as there shall be occasion to remind them) to bring their children when there is a congregation to witness their baptism. “At least on such days, and at such hours, as there is public service usually performed.” And if they comply with the rubric thus far, as to bring their children to church on any day when there is stated service, taking upon themselves to answer for the necessity of the case, and withal give notice to the curate of their intention “either the night before,” or “in the morning before prayers begin,” as a following rubric directs, I do not see that the baptism of their children can be refused or postponed. But then, on the other hand, how far a curate, though he take not upon himself to judge of the necessity, &c. may take upon himself to baptize on any day, or hour of the day, “when there is no public service,” is another question. This, I think, is clear, that he may justify himself in refusing to do so, both by the office, one part of which is the public “reception of the baptized infant into the congregation of Christ’s flock,” and by the rubric which enjoins that the baptism shall be administered “immediately after the second lesson either of morning or

“evening prayer;” which of the two is left to the curate’s discretion, but his discretionary power goes no further.

You will observe that, for the same reason, baptism ought never to be deferred till the stated service is over, where it can be performed in time of service; which proviso I put in on account of those places, as cathedral and collegiate churches for instance, where the usual situation of the font is at so great a distance from the choir, or place of divine service, as to render the compliance with this injunction impracticable.

For, wherever the font is, there, and there only, can this office be regularly performed; which we of the clergy should take the more notice of, because it is the only point in these previous rubrics, placed at the head of the office, which is expressly charged upon the minister: “the priest coming to the font “and standing there shall say.”

There is an obvious remark to be made upon this restriction as to place; viz. that no minister ought to use this public form in a private house, or indeed in any place except at the font itself, to which the use of it is restrained. Nay, if the rubric did not forbid him, the very office itself would, in which he is directed to pray in these words, “Grant that who-“soever is here dedicated to thee, by our office and “ministry, may be indued with heavenly virtues,” &c. Consider whether these words can be consistently, or indeed without absurdity, used in a parlour or bedchamber, or in any other place save at the common baptistery, or fountain of baptism, (as the old offices term it,) appropriated to each parish or congregation. But, as I have formerly enlarged

upon this irregularity of using the public form out of the church, I shall therefore say no more upon that head at present.

In the office of public baptism itself there is nothing of scruple, or difficulty, nor any thing liable to mistake, till we come to the stipulations: but there is something that deserves our particular notice and attention; which is this:

When two or more children are brought to the font together, whether we may put the interrogatories once for all, or whether we ought to repeat them as often as there are children to be baptized?

There is no rubric at the head of these interrogatories to determine us expressly either way. Nor do the writers on the Liturgy supply the want of such rubric by their annotations on this passage. And therefore it may possibly be looked upon as a nicety not to be insisted on. But yet I apprehend, what is not expressly ordered may be very clearly collected by comparing the rubrics of this office with those of the two baptismal offices that follow; and more especially with the old rubrics relating to these offices. By all which it will appear, that the interrogatories are to be as often repeated as there are infants to be baptized. The reasons are as follow:

First, it is an established rule that we are never to alter or depart from the prescribed form of words in our Liturgy, without allowance; which allowance is always either expressly made in the margin by a rubrical note, or signified by printing the words which may be altered in a different manner or letter from the rest. Which method of distinguishing words in printing hath obtained in all our Prayer Books since the restoration. Thus for

instance, in many places of these baptismal offices, as in the prayers and exhortations preparatory and subsequent to the baptism itself, provision is made for adapting the forms to any number of persons, as well as to either sex; and whenever the difference of the character denotes the words to be changeable, we may use *him*, *her*, or *them*, *this child*, or *these children*, &c. as occasion shall require. But then it is to be observed, that in the three most material passages of all, viz. the forms at the stipulation, at the affusion, and at the signing with the cross, no such distinction of characters appears, nor is any allowance signified to alter the words from the singular to the plural number. Because these, being applicable only to one person at once, could not consistently be used to more than one at the same time. Every child is to answer for itself by its sureties, as well as be baptized by itself, or received into the congregation by itself. Therefore the interrogatories all running in the singular number, without any mark of permission that they may at any time be expressed in the plural, are to be put to each child, or its representatives, distinctly; in like manner as the form and action of baptizing, and the form of receiving with the sign of the cross, are to be repeated over every infant separately. And as this usage with respect to the two latter forms obtains universally, and admits of no doubt when the office is performed for more children than one; so I do not see but we are equally bound, both from the reason of the thing, and from the express wording of the office, to follow the same rule with respect to the interrogatories. And that this was the very design of the compilers of the Liturgy in framing the

questions in the singular number, we may collect from hence, which is my other observation in support of this practice, viz.

Secondly, that in the first Service Book of king Edward VI. there is a rubric placed immediately before the interrogatories, which directs that “ the priest shall then demand of the child which should “ be first baptized,” (the whole office, running in the plural number, supposes more children than one brought to the font,) “ the questions following: first “ naming the child,” (viz. addressing himself to the child,) “ and saying, Dost thou forsake the Devil,” &c. And, to put it out of all doubt that every other child to be baptized at the same time was also to be thus distinctly interrogated, there is a further rubric in these words, “ When there are many to be baptized, “ this order of demanding, baptizing, putting on the “ chrisom, and anointing, shall be used severally “ with each child.” The prayers and exhortations, &c. might be used for all in common. But the more material forms were to be repeated distinctly, and applied personally.

I will not affirm indeed, as some have done, that in our present office the interrogatories, though addressed to the sureties, are in any proper sense put to the child, as they were in the old Service Books. There are indeed some passages retained unaltered in our present office, which may countenance this opinion; as these words in the exhortation, “ This “ infant must faithfully for his part promise by you “ that are his sureties;” and this question among the interrogatories, “ Wilt thou be baptized in this “ faith?” Which may seem as if the demands were made to the person of the child: but whereas, in

the last revisal, the application is made immediately to the sponsors, with this alteration in the form, “Dost thou in the name of this child,” &c. it appears that the sponsors themselves are interrogated, and contract for the child by answering in its name, and declaring on its behalf. But then it is to be observed with regard to our present question, that by their being addressed still in the singular number, (and not in the plural, as they are in all other parts of the office,) the questions are proposed to them as if each of them singly represented the person of the child, and each of them made answer for it; or as if they, being three, did altogether represent but one person.

Now this being noted, you will plainly see the reason why, though it is not improper to address three persons in the singular number, because these three represent one, yet it would be highly improper, if not absurd, to address six in the name of two, in the same form, or to use the singular number to nine, when they are not supposed to represent one, but three. The office therefore not directing, and, as far as appears, not allowing any alteration in the words of the interrogatories, does virtually forbid any such inconsistent application of them, as this above mentioned seems to be.

If it be said, that the office may be presumed, after all, to admit of so slight an alteration in the interrogatories, as is frequently not only allowed, but pointed out in other parts of it, and that there can be no great harm in saying to the sponsors, “Do ye “in the name of these children,” &c. I answer, that it is no slight matter to break through a form that has been established by our Liturgies ever since the

reformation. For whatever changes have been made in the service, yet in this particular there has been none. This stands invariably the same, as well in those Liturgies that run throughout this office in the plural number, as in that which we use at present. And it is pretty remarkable that in the office for adults, added at the last revisal, though it runs throughout in the plural number, yet the interrogatories are in the singular; and a rubric is put at the head of them, requiring "the priest to demand of "each of the persons to be baptized the questions "that follow." Which I apprehend to be a sufficient explanation of the design of the revisers, that the same must be done in the two former baptismal offices, though there happens to be no particular rubric in either of them to direct it.

I have one thing more to take notice of in this office of public baptism, (which I mention once for all, the direction being the same in the other two offices that follow,) viz. that our church doth not direct sprinkling or aspersion, but affusion or pouring of water upon the children to be baptized. It is true, the quantity of water to be used is no where prescribed, nor is it necessary that it should: but, however the quantity be left to the minister's discretion, yet it must be understood to determine itself thus far; first, that the action be such as is properly a washing, to make the administration correspond with the institution; and this we should observe as ministers of Christ at large. Secondly, that the action be such as is properly "a pouring of water," which is the rubrical direction to express that washing at all times, when dipping is not practised. And this we are bound to observe as ministers of the

*Quantity  
water*

church of England in particular ; taking it always for granted that there is a reason for whatever is prescribed in rubric, and such a one as is not to be contradicted by our private practice, or rejected for the sake of any modes or customs brought in we know not how.

And we should the rather keep to this rule of affusion, because we have in a manner lost that more primitive way of baptizing by immersion. Custom having certified in general, that it is the opinion and judgment of all who bring their children to the font, that they are too weak to endure dipping. Or, if we would have their sentiments certified more explicitly, there being a rubric to that purpose, we are sure (as Dr. Wall observes) to find a certificate of the children's weakness in their dress ; and to ask for further satisfaction would be a mighty needless inquiry. I mention this observation of his as the best apology I know of for our present practice of baptizing by affusion, without any formal declaration being made, according to rubric, of the danger of dipping. It is not said we shall ask any questions : and when we are sure beforehand what would be the answer, if the question were asked, we seem under no obligation, as we are under no direction, to put it at all.

By the rubric that stands before the next office, the curate is required " to admonish the people not " to delay the baptism of their children, nor cause " them without necessity to be baptized privately in " their houses." As it is not said whether these monitions shall be from the desk, or the pulpit, or given in private, as need shall require, so we are at liberty, as I judge, to execute this direction in such

a manner as we think will most effectually serve the end designed. The former admonition against deferring baptism there is perhaps seldom occasion for: and the latter concerning private baptism is always most reasonable when the thing itself is proposed to us without the rubrical warrant "of a "great and reasonable cause" to justify it. It is the curate's part on such occasions to declare and explain the rule by which he is to act. But, when he hath done this, I will not say how far he is authorized to refuse private baptism when seriously desired, though he be not altogether satisfied in the "greatness and sufficiency of the cause." For he cannot always be a proper judge of it. He must for the most part trust to the judgment and integrity of others. But as he can, generally speaking, distinguish between reasons and pretences, between an accidental extraordinary cause, and a case of mere humour or private interest, he will do well, and as he ought, never to sacrifice the rules of his ministration, and the orders of the church, to any man's fancies, or domestic conveniences.

In the office for receiving children privately baptized into the congregation, the first doubt that offers itself to the minister is the manner of certifying a baptism which he himself administered. When he certifies, upon the answers to the interrogatories, that the baptism was duly administered by another lawful hand, the form of the certificate, which is the same that stood in the old Prayer Books, is clear and unexceptionable, in which there is a proper transition to the gospel, or connexion of the certificate with the following part of the office. But when he certifies his own act, by a form that

was put in at the last revisal for that purpose, it doth not appear, either by the words themselves, or by the rubrics relating to these certificates, whether that form is complete as it stands, or whether it was designed only as a different preamble to be prefixed to that part of the other certificate which will connect it with the gospel: or rather, whether they are not both to be looked upon as one and the same form of certifying, with this only difference, that their respective introductions are a little diversified, *mutatis mutandis*, as the cases to be certified require.

In bishop Cosins's scheme of alterations and amendments, drawn up at the restoration, the new form of certifying (then designed to be added) stands thus :

“ I certify you, that, according to the due and  
“ prescribed order of the church in cases of ne-  
“ cessity, at such a time, and in such a place, be-  
“ fore divers witnesses, I baptized this child, who  
“ being born in original sin,” &c. *ut infra*, referring  
to the remainder of the old form as a proper transi-  
tion to the gospel; by which it is plain that his de-  
sign and meaning was, that when a man certified  
his own act, the two forms should be thus joined or  
incorporated. But as neither such direction nor  
such reference is to be found in our present books,  
it seems a matter of discretion which method we  
take. We cannot be said to transgress rule by  
omitting that clause in the second form of certify-  
ing; nor can we be charged with altering or adding  
to the office, if we complete the first form by the  
second, as bishop Cosins<sup>a</sup> judged we ought to do,

<sup>a</sup> This remark from bishop Cosins (as likewise some others that follow) is taken out of a large Prayer Book with marginal

and as the natural construction of the office intimates we should.

We want some direction likewise in what manner we are to use this office, when there is one or more children to be baptized, as well as one or more children to be received by it into the congregation. The greatest part of each office, being word for word the same, may reasonably and consistently be applied to both cases, and be used in common ; provided those parts of each office which are particular and appropriate to the different cases be also used separately. And this I take to be the usual practice. Nor doth it seem liable to censure, though it is not authorized by any rubric. And all the ends and uses of both offices are as completely answered this way, as if they were to be performed distinctly.

But this indeed is said upon a supposition that the questions to be put to the sponsors are, as was above observed they ought to be, put on behalf of each child. For the third question in the first office cannot possibly be made an interrogatory in the second. And I may here further remark, that we are to observe the same rule in certifying the private baptisms of those with whom the second office is to be used. That is to say, when there are more than one to be received into the congregation, we must certify the baptism of each of them distinctly, whether baptized by ourselves or by others : as appears from the manner in which those certifi-

annotations and alterations in his own handwriting. By the several directions given therein to the printer, it seems to have been designed as a corrected copy for the printer to follow. It is in the bishop of Durham's library founded by the said bishop Cosins.

cates are printed, if compared with the rest of the office.

It is further to be noted, that when a child is brought to be received which was baptized by some other hand, we ought to be punctual in putting the interrogatories relating to that private baptism, and in requiring the parties that are interrogated to be clear and explicit in their answers.

Bishop Cosins's note at this place which he designed for a rubric was this: "To every one of "these questions must answer be directly given by "those who bring the child." And with good reason, because upon these answers depends our direction, either, first, "to certify that in this case all is well "done, and according to due order," &c.; or, secondly, to use the public office of baptism, with the hypothetical form; or, thirdly, to remit the child to those who brought it, without either hypothetical baptism, or reception into the congregation.

In the first of these cases, which is the common one that comes before us, there is no doubt of our rule to proceed by, but what I have already spoken to. But in the second case, where the hypothetical form is to be used, it is to be here observed, that the action prescribed to be used with that form is "dipping the child in the font," and not "pouring of "water" upon it, as is allowed to weak children in the public office referred to. Should any one affirm this to be a mere omission, which ought to be supplied out of the rubric in the former office, I cannot readily agree with him. For it seems most agreeable to the design of that rubric, which gives a liberty of affusion in some cases when the common form is used, that such liberty should not be granted

when the hypothetical form is occasionally made use of. Because, people being admonished “to bring “their children to baptism within the first or se-“cond Sunday after their birth,” it may be sup-posed that some children, so soon after birth, may be too weak to endure dipping, and therefore provi-sion is made in such cases by affusion. But when they bring their children to be received, as no time is limited for their doing so, and no danger attends their delaying it, it may be supposed they would not bring them till they were of sufficient strength to endure dipping, in case any question should arise (and which they themselves must needs be aware of in every doubtful case) concerning the validity, in point of essentials, of the baptism privately admin-istered.

If this may be allowed as a sufficient reason why no certification of the children’s weakness is required, and no mention made of pouring water, or affusion, but only of dipping, on this occasion, I shall con-sider what is a minister’s proper conduct in such case, after I have spoken to the third point above men-tioned, concerning the remitting of children to those that brought them, without either the hypothetical baptism, or reception into the congregation.

I would examine this more particularly, because the reasons of it are not so obvious, and might not readily occur to a minister’s thoughts, (who hath not previously considered it,) if he were surprised with an occasion unexpectedly coming before him to try his judgment of the matter.

The point is this: supposing, by the answer made to the first interrogatory, “By whom was this child “baptized?” it should appear that it was baptized

by a lay hand ; but, by the answers to the following questions, it should appear nevertheless that it was baptized with water, and with the right form of words ; what is the officiating minister to do in this case ? Proceed in the office of receiving the child he cannot, because he cannot certify that "in " this case all is well done, and according to due or- " der concerning the baptism of the child." For, notwithstanding what Dr. Heylin hath suggested of laymen being accounted lawful ministers in cases of necessity, yet I think nothing is plainer from the foregoing rubrics, and from these very questions, than that our church utterly disalloweth of laymen baptizing upon any pretence whatsoever ; and maketh the commission and authority of the administrator, though not essential, yet requisite, to the due and regular administration of the sacrament. So that it would be a presumptuous transgression of rubric to receive such child as being already lawfully baptized.

On the other hand, he is not directed, neither is he authorized in such case, to administer baptism hypothetically ; because the use of that form is expressly restrained to such cases only where uncertain answers are given concerning the matter and the form, which are termed " the essentials," as you will see in the rubric at the end of this office, referred to above, in which there is nothing said of the administrator, or his commission, as if this were a point not essential, not absolutely necessary. Nor, in short, doth it appear by any rubric in this office, or by all of them together, however compared, what it is a minister must do, when the result of his inquiry into the validity of any child's baptism is such as I

have now put it ; that is, when he is satisfied as to the form of the administration, but not as to the person of the administrator.

I know there are some who can see no difficulty here at all, but will say, that in such a case the public form of baptism should be used without alteration, as upon a child manifestly and confessedly unbaptized. But where shall we find our authority for this practice ? Not in the primitive church : and I am sure not in our own church. For, though she discourages and prevents lay-baptisms as much as possible, yet she no where pronounces them null and invalid. She inhibits all persons not ordained from intermeddling with this office of God's ministers upon any pretence whatsoever ; but if they have actually presumed to administer the ordinance in its essentials, that is, according to her, the matter and the words, she declines to order its repetition, and forbears to declare it null. For this would be an arbitrary conclusion against the sense of antiquity, and the constant dispensation of the catholic church in such cases.

Whether any necessity will justify a layman in usurping this office, is one question ; but whether any guilt in the administrator so offending shall invalidate the ordinance so administered, is another question. For the unworthiness of the means is not always a proper reason for the disparagement of the effects. There is sufficient ground for a distinction between presumption in the agent, and profanation in the act. With respect to the bold usurper of an office not belonging to him, the thing is wrong ; and as such our church condemns it. But with regard to the innocent recipient, it may be right notwith-

standing, viz. valid, though irregular. Therefore our church forbears to give public judgment upon it; because, as I apprehend, she hath not sufficient warrant or ground to pronounce sentence against it. And therefore they who say that the administration of the matter and form can have no grace, no benefit attending it, unless it be made by an authorized hand, would do well, whatever be their private opinion of the matter, to examine upon what grounds or authority they will proceed, as ministers of this established church, to rebaptize, or, if this word offends, to use the public form with any person who hath already received the two forementioned essentials of the sacrament, though in an irregular way.

To return then to the question. What must be done when the case above described shall happen? I answer, No doubt recourse should be had, as in all parallel cases, (where the particular rubrics are not express and definitive,) to that general direction which is given in the last clause of the Preface concerning the Service of the Church, at the beginning of our Liturgy; where it is said, that "all points of "doubt, arising from the want or from the obscurity "of the rubrics, must be referred to the bishop; and "if he determine them not, to the archbishop." And, as this is the only regular and safe method that a clergyman can take, so, I am inclined to believe, it was the real design of our revisors, that this particular point of lay-baptism should not receive any public resolution in the office, much less be left to the private determination of the officiating minister, but be subjected to the examination, judgment, and final decision of the ordinary of the diocese.

My reason for inclining to this opinion is founded on the following observations.

Our first reformers permitted lay-baptisms in cases of extremity, retaining the popish custom in this particular. But in 1575 the archbishop of Canterbury, and his bishops, in convocation, by virtue of the power given them to resolve doubts in the Preface concerning the Service of the Church, (which I just now mentioned,) and with express reference to that clause, restrained the administration of private baptism to a lawful minister or deacon ; and the bishops in their visitations censured the practice of laymen baptizing, though the rubric still stood with the former allowance, that they might baptize in cases of necessity. But then at the Hampton-court conference the rubric itself was altered, and the words “lawful minister” inserted. And thus it stood till the revisal after the restoration, when it was worded with still greater restriction. But still there was no declaration made of the nullity of lay-baptism, nor any directions given in the rubric what should be done as to children baptized by lay-hands, when brought to be received ; otherwise than by a general reference (as I before said) to the judgment of our superiors in all cases that are doubtful or unprovided for. And in the Lambeth conference, so late as 1712, this point was still designedly kept in the same situation, and preserved entire to the determination of the ordinary. For in that year, the dispute about the validity of lay-baptism running pretty high, the two archbishops, with all the bishops of their provinces that were in town, came unanimously to this resolution, “ That lay-baptism should be discouraged as much

“ as possible: but if the essentials had been pre-  
“ served in a baptism by a lay-hand, it was not to  
“ be repeated.” But then, when it was proposed  
that a declaration of their sentiments to this purpose  
should be published, in order to silence or determine  
the debates raised upon this question, it was re-  
solved<sup>b</sup>, upon mature deliberation, to leave the ques-  
tion as much undecided by any public declaration,  
as it was left in the public offices and canons of the  
church; for the better security of discipline, and to  
prevent any advantages that might be taken by the  
dissenters, or seem to be given them, in favour of  
their baptisms; though they do not properly come  
within the question of lay-baptisms in cases of ex-  
tremity.

If therefore the fathers of our church have ap-  
peared from time to time afraid to determine with  
any positiveness, or by any public decision, this  
controverted point, it would ill become any private  
clergyman to make himself so far a judge as to act  
herein, without express allowance either from the  
rubric, or from his ordinary explaining it. As we  
have a sure rule to be our guide as to our own  
practice, we may very well leave the question con-  
cerning the validity of these baptisms where we find  
it, in the bosom of our church, resolvable at discre-  
tion, as the several ordinaries shall give direction  
within their respective jurisdictions: it being our  
part to apply to them, and take their advice, when-  
ever such irregular cases shall come before us as pri-  
vate parochial ministers.

And herein we likewise see how we may conduct

<sup>b</sup> This is taken from papers under the hands of both the arch-  
bishops.

ourselves with respect to the other point I was speaking of before, viz. whether we are to use the hypothetical form with affusion, or only with immersion, according to the strict letter of the rubric. If we have any doubts about it, let our ordinary determine them: and so long as we act according to his decision of the case, on which side soever it is made, we both answer our own obligation to rubric, and discharge ourselves of blame from those who would be apt to censure an attempt of dipping from our own private judgment in the interpretation of the rubric.

There is nothing more in all this office that requires to be taken notice of, save that at the end of it there is a want of a direction which we have in the former office of public baptism, to admonish the sureties "that they take care to bring the children "to be confirmed by the bishop."

To say how this comes to pass is not easy. In all the old Prayer Books before the restoration there was a rubric in the first office requiring the minister to admonish the sponsors to this effect; but leaving him to his own manner of expressing himself: which rubric was not repeated at the end of this office, but was referred to by these words, "and so forth as in public baptism." Which reference was as good as the repetition of the rubric, for it made the direction equally clear. But now at the revisal, what had been a rubric at the end of the former office was changed into a prescribed form of admonition; and what had been a reference at the end of this office was quite omitted. By what means I know not. But it was not an oversight, at least not in all the revisors. For in bishop Cosins's copy,

where all the designed amendments stand added in the margin, there is a reference made at the end of this office to the form of admonition then newly added to the former office; which reference is thus expressed: "Then shall he add, and say, Further-  
" more, I require you to take care," &c. *ut sup.* in *Publ. Bapt.*

What I collect from hence is, that it seems most likely to have been the design of the revisors that this direction should be given in the same words at the end of both the offices, the reason of it being the same in both cases. But, as this design is not expressed in our printed copies, it remains yet a question with any man who guides himself by the letter of rubric, whether he should on mere presumption of such design take upon him to add this supplement out of the former office or no. Surely no minister can be blamed for not doing what he is not commanded. But my own resolution of the doubt should rather be this. Though the admonition is not made part of the authorized form in our printed books, and is not necessary for completing the office; yet, as it is nevertheless a proper one, and the omission of it, or of a direction about it, was probably accidental and not designed, therefore to use it, as an admonition from ourselves, or at least to give a direction to the same effect and purpose, as was done before the form of admonition was prescribed. And thus we shall keep up to the supposed intention of the church, without transgressing any written rule.

There is nothing in the rubrics belonging to the third office for those of riper years but what is plain, and can need no comment. Only as I have it in charge from my lord bishop of Durham to acquaint

my clergy with what he expects from them, when they give him notice of any adults that are desirous of being baptized, according to the first rubric of the office; I cannot discharge myself of his commands at a more proper opportunity. What moved his lordship to give me this direction is not necessary now to be mentioned: but the order is this; that, whenever any minister notifies to him the desire and request of a grown person to be baptized, he do at the same time specify, not only his age, but his circumstances and condition of life; as whether he be married or single; at his own disposal, or under parents and guardians; in what way he was educated and bred; what are his morals and character; and what knowledge he hath of the principles of Christianity; and whatever else may be requisite for forming a judgment whether any further directions are to be given for the due preparation of him to receive this sacrament, and what those directions, if needful, should be.

I need not add how proper it is that his lordship should be acquainted with these things, before he grants his orders for the preparation of adults; and that he should be satisfied in the execution of his orders, before he gives his consent to their baptism.

And I will as readily suppose that there is not one of you but will at any time be glad to be put to this trouble on so good an occasion, and to serve so good an end.

## VISITATION CHARGE ANNO 1734.

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### DISCOURSE III.

*Rubrics in the Communion Office considered, and some cases put upon them.*

REVEREND BRETHREN,

MY discourse to you the last year was wholly taken up in treating upon the rubrics of the baptismal offices ; and in stating our obligations as ministers of the established church to conform ourselves to them.

Those of the communion service were to come next under consideration. I shall therefore enter upon them now without any further introduction, supposing you to be already sufficiently apprised, from what I have before said, of the view in which I purpose to consider them.

The first rubric that occurs at the head of the office, concerning the notice to be given to the curate of the names of such as intend to receive the Lord's supper, belongs to the people to observe ; and does not fall within my present design, which hath regard only to the duties of the clergy.

The next, which requires the curate to repel from the sacrament “ all open and notorious evil livers, “ who have thereby given offence to the congrega-“ tion,” has no other difficulty in it, than what ariseth from the doubtful signification of the term

*notorious*, and from the uncertainty there is in judging of all those cases, when the congregation may be said to be offended. For notoriety in fact is one thing ; and notoriety in presumption is another. And in either case it should be a notoriety in law too, to indemnify the minister for proceeding upon the rubric, or to render him safe, in point of law, for repelling any person from the communion.

And then as to the congregation taking offence, how to distinguish between what doth offend a congregation, and what ought to give offence to it ; whether we are to interpret it according to reason, or only according to fact, is another difficulty. Nay, whether this rubric ought not to be extended to all crimes which are specified in the canons as disqualifications for the holy communion, though they be not notorious or known to the congregation, provided they be sufficiently discovered or made known to the minister himself, is another question which will bear much to be said on either side of it.

The truest way to judge of the sense of our church in this rubric, is to have recourse to the 26th and 109th canons, by which “such notorious “ offenders, as are to be shut out from communion, “ as being scandals to the congregation,” are sufficiently described ; and, might we venture to act upon that interpretation which it must be allowed these canons fix upon the rubric, our rule to proceed by would be much plainer than it is. But to prevent our claiming any benefit or authority from these canons ; the statute laws, which supersede the canons, interfere and lay us under certain restrictions. By a statute in the first year of Edward VI. it is enacted, “ that the minister shall not, without a

“ lawful cause, deny the sacrament to any person “ that devoutly and humbly desires it.” But what is this lawful cause? Why we are told that “ the “ law of England will not suffer the minister to “ judge any man a notorious offender, but him who “ is so convinced by some legal sentence<sup>a</sup>.” And it seems, according to the sense of the civilians and canonists, nothing amounts to *notorium juris*, or notoriety in law, less than a proof by confession in open court, or conviction by a sentence of the judge.

By the canons, all those offenders who ought to be presented to the ordinary, ought also to be shut out from the communion till they be reformed; and they whose duty it is to present them, neglecting so to do, are to be excluded likewise<sup>b</sup>. And both these

<sup>a</sup> Bishop Andrews's notes upon the Common Prayer.

<sup>b</sup> Mr. L'Estrange seems to judge (Alliance of Div. Off. p. 163.) that the canons do not forbid the admission of any offenders to the communion, but only such as are actually presented to the ordinary, and under prosecution, if not also under sentence: and consequently till they are presented they are not to be withheld from the sacrament.

But whereas the canons say no more than this, “ that notorious offenders shall not be admitted to the communion till “ they be reformed,” without any reference made, or respect had, to their presentment or conviction, there is no reason to interpret them with any such restrictions: especially as one of the offences for which the twenty-sixth canon requires exclusion from the communion, (viz. the neglect of churchwardens and sidemen in presenting notorious evil-livers,) is not capable of being presented otherwise than by the minister, who is left to his discretion as to that point; though he is expressly ordered to repel them from the communion. He is indeed bound “ to signify the “ cause” of his repelling them, if required by his ordinary to do so. But this is a further proof of his power to repel, before any complaint or presentment of the delinquents is made.

acts of discipline are intrusted with, and charged upon, the minister alone. But so far are the canonical disqualifications for the sacrament from being accounted, as such, lawful causes of exclusion, according to the statute, that even persons lying under *ipso facto* excommunications by the canons may not legally be withheld from the communion, till sentence of excommunication hath formally passed, and is openly declared against them. And though the twenty-seventh canon, entitled, *Schismatics not to be admitted to the Communion*, is express for their exclusion; yet both the common lawyers and the civilians have given it as their opinion, that schismatics not lying under any ecclesiastical censure, and humbly and devoutly desiring the sacrament, are not to be withheld from it, notwithstanding the direction of the canon<sup>c</sup>.

And, lastly, the Test Acts, which bring abundance of persons to the communion, to qualify themselves for offices civil and military, make no allowances for their exclusion in any case whatsoever, nor have any proviso to indemnify the minister for proceeding according to rubric in denying the sacrament, let the notoriety of the offence be never so uncontested, and the cause of his refusal in that respect never so just and legitimate.

The case then stands thus with the officiating minister. He is directed by one statute, (viz. the rubric,) in certain cases to shut out from communion.

<sup>c</sup> This matter was thoroughly considered in the case of Mr. Richard Baxter, the famous nonconformist, if he may be called so, who constantly attended the church service and sacrament in the parish where he lived, at those times when he was not engaged at his own meeting-house.

By another, (viz. the Test Act,) he is required to admit to communion; no particular cases being expressly excepted, however supposed to be understood. But the assigned cases in the one being put in such loose and general terms, that it is doubtful what exclusions from the sacrament are strictly legal; and the directions in the other for admitting to the sacrament such as have offices depending upon it, however supposed to be limited by the assigned cases aforesaid, yet admitting of those only upon the footing of a legal proof for which the curate must answer at his peril; hence it follows, that he who is intrusted with the execution of these statutes should either have a fuller explanation of the one, or a better security from the other.

I know the answer commonly given to this, and urged as satisfactory by Mr. Wheatly in his book upon the Common Prayer, is, that it would be a reflection upon the legislature to suppose that it was ever designed, that “if a deist, or any profligate and “abandoned sinner, should happen to obtain an office, the church should be obliged to admit them “under these characters to communion.” All this is very true. It seems to have been the intention of the legislature, that no person who is unqualified for the sacrament, should qualify for an office by venturing to receive it. But this salve will not cover our sore. For granting it would be an injury to our governors, to say that they meant otherwise than right, yet there is no reflection cast upon them by supposing what is likely to be the consequence of these statutes, when they come to be pleaded in the king’s courts against a clergyman, without any proviso made in his favour, or for his security.

Especially when the terms in the rubric, upon which only he can form a legal defence, will bear such latitude of interpretation, that it will not be an easy matter to determine when he is within, or not within, his rule.

This then being the case, (and I think I have brought together what is most material in the stating of it,) two questions remain to be resolved: first, how far we are bound to observe this rubric; and secondly, how far we are safe in acting according to it. To both which I shall give you the best answer I can.

It is not any part of my design, in discoursing on the obedience due from us to the ecclesiastical laws of this realm, to enter into a discussion of the powers we have received at our ordination, as ministers of Christ at large; or to consider, upon this head, the power of the keys, of binding and loosing, of remitting and retaining sins; that is, the spiritual authority we are intrusted with in the due administration of the sacraments, which no human laws can destroy or deprive us of. There are cases in which we are bound to deny the sacraments, antecedently to any obligations we are under to human constitutions; so that, whensoever we are obliged by virtue of our office, and in regard of the sacred trust committed to us, as stewards of the mysteries of God, to refuse the communion, we must by no means be swayed by any secular motives, or intimidated by suspicions of dangerous temporal consequences, from doing what we ought, and discharging our great commission faithfully. And in this every clergyman must be his own casuist, and will

best judge for himself in such cases as shall come before him.

But whereas we have most solemnly promised to  
“ give our faithful diligence to administer the sacra-  
“ ments and discipline of Christ, not only as the  
“ Lord hath commanded, but as this realm hath  
“ received the same, according to the command-  
“ ments of God ;” and whereas the exercise of our  
ministry, even in these capital points, may be, and  
is, in some respects, limited by ecclesiastical and  
civil authority, without divesting us of the spiritual  
powers above mentioned ; and whereas our present  
question is not whether any such limitations be  
lawful and admissible, (for of this there is no doubt,) but  
how far such limitation goes in the case under  
consideration ; therefore our obedience to this rubric  
is to be examined into, as a point purely of ecclesi-  
astical discipline, and which affects us not as pastors  
of the church catholic, but as appointed officers in  
this established church to which we belong. And  
it is in this view I am to speak of this rubric, con-  
sidering it as explained by the canons of the church,  
and limited by the statutes of the realm.

And here what deserves the principal notice, and  
ought to have great weight with us, though prob-  
ably it would have little if pleaded in the courts of  
law, is the peculiar obligation we have laid ourselves  
under, by voluntary and repeated stipulations, to ob-  
serve the rubric, and conform to the Liturgy of the  
church of England. And this can in no instances  
be more justly expected from us, than in the admin-  
istration of the sacraments, and the discipline of  
the church. No laws have as yet discharged us from

following this rubric now in question, in its most obvious and natural sense; nor can any authority be shewn for our dispensation in not observing it. If some words in it are too general, or of uncertain signification, still there is nothing in the other statutes that is more clear and explicit, or that will serve for a better rule for us to govern ourselves by: and withal let it be observed, that what seems doubtful in the rubric is made much plainer in the canons, which are yet the best interpreters of it, and to which we of the clergy are bound to conform ourselves, as well as to rubric; though our obligation to them stands upon a different footing. Upon the whole, though this rubric may "require some ex-  
" planation," as bishop Cosins remarks, "for the  
" avoiding of disputes and doubts between the com-  
" municants and curates," &c. yet if it be taken in all its parts, viz. that no person, however notoriously wicked, shall be withheld from the communion, till he be admonished to withdraw himself; and that, when he is repelled upon his obstinacy, it is only till such time as the advice of the ordinary can be had therein, to whom the curate is obliged to give early notice of such his act; it seems in this view the best, and, I think, the only ecclesiastical rule we have to go by in such cases: nor doth it appear liable to exceptions, unless it be in that other particular I was to speak to, viz. how far we are safe in acting according to it.

But as this is properly a point of law, it is not so fit for me to undertake any determination of it: it must be left to the gentlemen of that profession. Only thus much I would put in, that if a clergyman's conduct in this matter shall appear to be up-

right, dispassionate, and disinterested, (and I wish it may never appear otherwise,) so as to gain the approbation of reasonable and indifferent persons, (which I still think it would gain in all notorious or flagrant cases, which are those mentioned in the rubric,) it is to be hoped and presumed, that the interpreters of the law would, in their turn too, shew him all the favour and regard they could.

In the next rubric, (for so I call the next paragraph for distinction sake, as most of the liturgic writers do, though properly all the four paragraphs at the head of this office make but one rubric,) the minister seems to have power given him, to deny the sacrament upon his own personal knowledge of the party's unfitness to receive it. There is only one instance indeed of this unfitness there mentioned, viz. in cases where "he perceiveth malice and hatred to reign," in which cases "he is to use the same order as before," of admonishing, and, upon obstinacy, of excluding from the communion. And this too without regard to the notoriety of the malice, or the offence given thereby to the congregation. And, by parity of reason, what he is allowed to do upon his own knowledge in one case, he may be presumed to have the liberty of doing in any other that is parallel, that is, where he himself is equally convinced that he has a just and sufficient cause, according to the canons, to refuse the sacrament, though at the same time he cannot produce any legal testimony of the crime for which he debars the party from communicating.

Hence then arises another question different from the former; viz. whether a minister ought at any time, by denying the sacrament, to pass a public

and open censure upon secret crimes, to which none are privy but the parties and himself, and that perhaps by accident, as may be, and sometimes hath been declared to be the case?

To this it hath been said, and I think justly, that every minister in the public execution of his office represents the church, and is therefore to exclude none from the sacraments, but such only as by the laws of the church he is expressly required to exclude. That when he is secretly, and in his private capacity, apprised of any just impediment in any person, though he ought most solemnly to admonish him to refrain, nay, and ought to withhold from him a private communion, (because in that case he is allowed himself to judge of any just impediment,) yet, when he celebrates in public, he is bound to admit such offending person offering himself, at his own peril; forasmuch as the church is yet ignorant of any crime or default for which, according to her rules, the communion is to be withheld. That he doth by his previous admonition *liberare animam suam*; and if the delinquent will still venture to obtrude himself, after such warning given, his blood will be upon his own head; that is, he only, like other hypocrites who receive unworthily, will be condemned for his presumption; while the minister shall be held guiltless, having done all that was incumbent upon him, and indeed all that he could warrant, to prevent such profanation of the holy mysteries. And this is agreeable to the old canon law, which did not give ministers a discretionary power of repelling in such cases. *Etiam criminosis, &c.* "Even a great offender offering himself to partake of the sacrament is not to be rejected, but

“ taken aside, and seriously exhorted to forbear<sup>d</sup>” which the canonists, the later ones especially, interpret of secret and occult crimes, known to the minister, but not notorious, or matter of public scandal<sup>e</sup>.

To countenance this way of reasoning, the instance of Judas is brought, whom our Saviour suffered to partake of the first supper and communion with his other disciples. Though at the same time our Lord himself, who administered, knew the traitor to be absolutely unworthy so sacred and divine an institution.

Which instance indeed would be much to the purpose, were it not liable to two exceptions. The first is, that it is not a certain and acknowledged truth<sup>f</sup> that Judas did partake of the sacrament of the Lord’s last supper. And though the compilers of our Liturgy seem to have taken this for granted, as appears by some expressions in one of the exhortations in the communion office, where it is said, “ lest, after taking of that holy sacrament, the Devil “ enter into you as he entered into Judas,” &c. And consequently by our assent and consent to the Common Prayer Book we seem to have admitted this for an undoubted fact; yet the expression doth not necessarily require such construction to be put upon it, but may be grammatically understood without that supposition.

The other exception against this instance of Judas is, that, granting he did partake with the other disciples at the institution of the sacrament, yet it doth not follow, by any necessary consequence, that our

<sup>d</sup> Extr. de Off. Ord. cap. *Si Sacerd.*

<sup>e</sup> Linw. Prov. de Sacr. Unct.

<sup>f</sup> See L’Estrange on one side, and Dr. Bennet on the other.

Lord's admission of him is any warrant for his ministers to admit hypocrites to the eucharist. He suffers the wicked even now to approach his altar, when no power in the church can restrain them. But we cannot from thence argue, that the pastors of his church may therefore permit them so to do, supposing them privy to their guilt, and well ascertained of their unworthiness, however secretly or accidentally they might come by that knowledge.

But although, for these reasons, I think no stress should be laid on this instance of Judas, yet if any clergyman can satisfy his own mind in acting upon this distinction, and can persuade himself that he may lawfully do, in his public capacity, what he would not do if he thought himself at liberty to follow his private judgment; and that to administer the sacrament to a person whom he believes unworthy of it, after sufficient admonition to deter him from it, is no wilful prostitution or profanation of it in himself; I say, if he is thus persuaded, I do not see that there is any thing express enough in this rubric to oblige him to refuse it in such a case. Malice and hatred are the only offences which the order directly points to; and those too, such as reign, are predominant and implacable, which it is strange if they be not likewise notorious and offensive to the congregation as well as to the minister. And the true reason why the compilers of the rubric did not give any express allowance to the clergy to exclude from the communion for occult crimes at their own discretion, might be for fear of an abuse that such liberty would be liable to in the hands of weak men, capable of being swayed by their private passions.

and resentments, in the administration of the most solemn ordinances.

But it doth not follow that they are therefore bound in all cases to administer it, saving those in which they are prohibited expressly. No doubt there is an use of their discretion left them, and some cases may arise so circumstantiated, that it will go directly against a clergyman's conscience to administer the sacrament; in which cases, as I before observed, he lies under an obligation to discharge his duty, superior to that which he owes to rubric or acts of parliament; and though he cannot perhaps discharge it with safety if the statutes be interpreted rigorously; yet it is better to fall into the hands of men, and patiently suffer temporal inconveniences, than fall with a sin of presumption into the hands of God.

The conclusion here then is the same as in the former point; viz. that every minister must be his own judge and guide in extraordinary occurrences which come not within the letter or supposed meaning of the rules that are set him by authority for his direction. Only it will greatly concern him to act with the utmost care, fidelity, and circumspection, that he do not either deprive any persons of the privilege of Christian communion, or set upon them such a public mark of infamy and disgrace as a repulse from the sacrament is commonly held to be, without a real necessity to justify his conduct herein.

And so I pass on to the fourth and last rubric that is placed at the head of the communion service, where there is only one particular incumbent upon the minister himself to observe, and for me to take

notice of at present, and that is, that “he shall stand at the north side of the table” when he performs the office; which is to be understood even of that part of it which by another rubric<sup>g</sup> is appointed “to be said when there is no communion.”

And here again is a case that will admit of exceptions from unforeseen circumstances. For since the customary placing of altars in chancels it becomes sometimes impossible in large churches, and where the chancels are almost equal in length to the churches themselves, to perform that part of the communion service which is to be read always on Sundays and holydays, at the Lord’s table, without quite defeating the intention of its being read at all, viz. “that it should be heard of all the people.” But then, pray let us observe further, that where this necessity for breaking through the rubric cannot be pleaded by us; that is, where this service “may be conveniently enough performed at the table “itself,” situated in the chancel; there will be no excuse for us for reading it in the desk; as is but too commonly practised in our churches, contrary to the letter and plain meaning of the rubric.

A certain author indeed, of some note, in his paraphrase on the Common Prayer Book, argues upon this point after this manner. “If it be asked,” says he, “whether those parts of the communion “office which are allowed to be read when there is “no communion, may be read without going to the “communion table; I answer, they certainly may. “And for this I need offer no other reason besides “its being an allowed practice, which our governors “do never blame or endeavour to alter. There are,”

<sup>g</sup> First rubric at the end of this office.

says he, “ some expressions in the rubric, I confess, “ which intimate the contrary; but certainly an al- “ lowed custom is sufficient to satisfy any man’s “ conscience in this case<sup>h</sup>.”

But this learned writer seems here a little too hasty in his conclusion; and the reason he offers for it appears to be founded on a mistake. For a custom under the connivance of our governors, how justifiable a rule soever it may be to us in all cases where those governors have a power of dispensing, yet is of no authority or consideration in such matters as our governors themselves are not at liberty to allow of, or dispense with. This is a distinction very necessary to be observed by those who make use of this argument from custom, and will shew where it is properly applicable and of weight, and where it is not. In the former part of this very rubric, for instance, concerning the situation of the Lord’s table, the rubric directs that it “ shall stand “ in the body of the church, or in the chancel, “ where morning and evening prayer are appointed “ to be said.” But this appointment by another rubric<sup>i</sup> before the morning and evening prayer is left to the discretion of the ordinary. And till such appointment be made, the ancient custom of each church is to be followed. For such custom implies the approbation of those who have a power to alter it if they think fit to do so. Of customs thus established, and justly prevailing for this reason, we have several other instances.

<sup>h</sup> Dr. Bennet’s Paraphrase.

<sup>i</sup> “ The morning and evening prayer shall be used in the ac- “ customed place of the church or chancel, except it shall be “ otherwise determined by the ordinary of the place.”

But what relation have these cases to those rubrics which expressly and positively require the minister to observe this or that particular in his ministration, and prescribe him a personal action to be performed in a determined place; as in this instance before us of “standing at the north side of “the table,” when he performs any part of the communion service? Where this rubric cannot be observed, as I before said, an absolute necessity must overrule the order; but no prescription of nonobservance or customary neglect can avail to the setting it aside. It is true, the ordinary may connive at this customary neglect, but he cannot warrant nor even excuse the minister in it, because he is bound, by prior obligations of conformity, to obey the church in what she commands in her rubrics. And in all points where the rubrics are plain and express<sup>k</sup> the ordinary has no authority to release us

<sup>k</sup> It may be said that this very rubric now under examination is as plain and express that “the communion table shall stand “at the communion time in that part of the church where “morning and evening prayer are appointed to be said,” as it is that “the priest shall stand at the north side of the table.” True; but with this difference, that in one case the direction is to the priest, in the other he is not charged with the execution of the injunction; and therefore it concerns not him in particular, but rather appertains to the ordinary to take care of. And whosoever considers the unhappy disputes and contentions that have arisen in this church concerning the disposal or situation of “the Lord’s table in the church or chancel,” which lasted from the reign of Edward VI. down to the great rebellion, will think our governors highly prudent in forbearing to give any orders of late years touching that point. The dispute is now dead; and it is to be hoped will never be revived.

Should it be insinuated that this rubric, by expressly directing what should be done “in communion time,” may mean that the

from that obedience, as appears from the “preface “ concerning the service of the church” at the beginning of the Prayer Book. In which though the ordinary is allowed to interpret and determine the sense of the rubric for us in all doubtful cases, yet it is with this proviso, that he shall not order or determine any thing “ that is contrary to what is contained in the Service Book.” That is, in points that are clearly expressed, the ordinary is as much prohibited from making innovations, as the meanest parochial minister among us. And therefore a bishop’s dispensing power will not reach these cases ; and consequently a custom which has no validity, but as it implies his dispensation, cannot reach them neither.

The author above cited indeed endeavours to back his argument from custom with this further observation. That, “ if usage be not allowed to be “ a good interpretation of rubrics, it will be impossible to clear our hands of many other repugnancies and difficulties to be met with. Let the obstructors,” says he, “ consider, to name no other instances, how they can justify their tacking together the Morning Prayer and the Litany, (which were intended and used as distinct offices in former times,) and thereby repeating the prayer of St. Chrysostom and the text out of the Corinthians “ but once, whereas they are positively ordered to “ be repeated twice<sup>1</sup>.”

priest should then only stand at the north side of the table ; the answer is, that there he is ordered to stand whensoever he begins the office ; and there he is commanded “ to say the Lord’s “ prayer, with the collect following,” &c.

<sup>1</sup> Dr. Bennet’s Paraphrase.

But where they are thus ordered to be repeated is the question. There are only two rubrics from which such a direction could be surmised. The first is the rubric before the collects and immediately after the suffrages; where it is said, that "the two last collects shall never alter, but daily be said at morning prayer throughout all the year." But whosoever examines this rubric, will find that these collects which are here called "the two last," are not the two final prayers, but are only called *the last* with respect to the collect of the day, which is always to precede them. The other rubric is placed just before the prayer for the king, in the morning service, in these words: "Then these five prayers following are to be read here, except when the Litany is read; and then only the two last are to be read, as they are there placed." Which words in the end of the rubric make it evident that the Litany and Morning Prayer are to be joined together as one service, and that the two final prayers are to be read but once.

2 Cor. xii  
a prayer  
not a "dein  
tum".

If his mistake arose from not attending sufficiently to these two rubrics, it is already corrected. But, if he grounded his assertion on any other passage, I cannot guess what place it may be.

And as to his other supposed instances of repugnancy, &c. I dare be as positive as one can be in a negative, that there are no instances to be given in the whole Common Prayer Book, where custom must be allowed to be a good interpretation of rubric, except in those cases which I just now mentioned, where the ordinary hath a dispensing power lodged with him. And if there be any other repugnancies to rubric in our practice, besides this

under debate, which will not admit of a plea from custom upon the foot of this distinction, we must find some other way of clearing our hands of them, than by using this argument. And the only way, that I know of, to justify our conduct in all points that are plain and express, is to observe them punctually and literally.

And now having gone my usual length in a charge, and dispatched the previous rubrics in this office for the communion, I must leave what remains to the next opportunity that God shall be pleased to give us of meeting together on this occasion.

## VISITATION CHARGE ANNO 1735.

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### DISCOURSE IV.

*Other Rubrics in the Liturgy examined.*

REVEREND BRETHREN,

MY discourses to you, at my late visitations, have been entirely taken up with remarks upon the rubrics: in which I have yet gone no further than those that belong to the offices of baptism, and those that are placed at the head of the office for communion. And finding how tedious and almost endless it would be to go through all the remainder of the communion office, and all the other offices of our church with the like particularity, I shall now take another and shorter way, yet such as perhaps you will think sufficiently clear and satisfactory; and that is, to throw all the rubrics into different classes under proper heads of distinction, with suitable remarks upon each class; and so to leave the solution of particular difficulties to be taken from the reasonings upon the several general distinctions.

It is no part of my design, as I think I told you before, to give any historical account of rubrics, or enter into the reasons of them, or shew their alliance with those of other Liturgies, or their conformity with the rules of the primitive church. This hath been done by the learned ritualists and com-

mentators on the Common Prayer Book. But my whole view terminates in this one point, viz. to shew how far we are bound in duty and conscience (after the declarations and subscriptions we have made) to conform ourselves to the letter or intention of the several rubrics, which are given for our direction in the administration of the sacraments, and other services of the church; which is a point that hath been either entirely passed over, or at least but slightly and occasionally touched upon by the writers on the English Liturgy.

Now the rubrics which relate to our ministration may be properly ranged under five general heads. And we shall find the measures of our conformity to them will fall under as many different considerations.

The first division of them contains such as are defective, or not sufficiently clear and express.

The second, such as do either require to be understood with limitations, or at least will fairly admit of them.

The third, such as leave a discretionary power with the officiating minister.

The fourth, such as leave a discretionary power only with the ordinary.

The fifth and last, such as are plain and positive, neither admitting limitations, nor submitting to the discretion either of the officiating minister or his ordinary. Of which last sort are much the greatest number.

Both the meaning and propriety of this distinction will best appear by giving instances of several rubrics which do either require, or will bear, these respective constructions.

The first class of distinction comprises all those rubrics which are defective in point of direction; not sufficiently explicit or plain, but so worded as to leave doubts, and to seem inconsistent with, or contradictory to, more express rubrics; so that the mind or intention of our governors therein is not apparently discerned.

You know, for instance, to what uncertainties we are left in the use of the table for proper lessons, and in the appointment of Epistles and Gospels when Sundays and holydays coincide. The consequence is, that the clergy differ in their practice, and use the service appropriate to that festival to which in their private opinion they give the preference. Some there are who choose to intermix them, using the collects appointed to each, and preferring the first lesson that is taken out of a canonical book, if the other first lesson happens to be appointed in the Apocrypha.

Again, it is uncertain, as the directions now stand, whether the collect for a holyday that hath a vigil (supposing the Lord's day to intervene between the vigil and the festival) shall be read "on the eve" on which the vigil is ordered to be observed, or "in the "evening immediately before" the festival according to another rubric. They whose rule it is to act closely up to the letter of rubric, must separate the collect from the vigil. But they who plead the supposed intention and reason of both the rubrics, think they may dispense with the letter of that rubric which orders the collect to be read on the evening before the holyday, and use the collect on the vigil in compliance with the supposed design of the other rubric. In either case conformity to rubric is aimed

at, though diversity of practice necessarily prevents uniformity.

The rubrics are deficient likewise in their direction, whether, before “the general intercession” or “the general thanksgiving” in the daily service, the names of those persons who “desire the prayers of “the congregation,” or “desire to return thanks,” shall be publicly recited or no. Some suppose, both from the reason of the thing, and from the wording of the interpolations to be used on those occasions, that it is implied, the names of the persons, on whose account the additions are to be inserted in the prayers, should be particularly recited, and notified to the congregation. But others, who suppose this will fall under the notion of “publications in “time of divine service,” which by another rubric is limited to the injunctions of the ordinary, will for that reason be of another opinion.

It is said of the *Venite Exultemus*, the hymns for Easter-day, *Gloria in Excelsis*, the whole Psalter, and *Gloria Patri*, that they should be said or sung. But it is not said whether this shall be done by the priest or the people; or if by both, whether jointly or *alternatim*. Custom therefore is our only authority for those various ways, in which we perform these parts of the office in choirs and parish churches.

Another doubt there is concerning the proper time for giving “public warning of the communion.” One rubric says this notice shall be given “immediately after the Nicene Creed.” Another says, that “when this warning is given, one of the exhortations shall be read,” to remind the people of their duty of communicating. But this is ordered

to be done “immediately after sermon.” Mr. Wheatley indeed proves this to have been only a mistake in misplacing the directions: nevertheless he proposes that both rubrics should be complied with; that is, that the warning should be given immediately after the Nicene Creed, and the exhortation read immediately after sermon. Whereby he shews how both rubrics may be observed. But nevertheless this is only a conformity to a mistake; and for that reason I suppose not much attended to, or regarded by the clergy.

Other instances we have of deficient rubrics relating to our own posture or action in divine service. It is not said whether the minister shall kneel or stand at the prayers previous to the administration of baptism in the two first offices. In that for adults indeed the rubric is rather more clear for his standing, it being said before the two first prayers in the office, “And here all the congregation shall kneel:” whereby the minister seems to be excepted. But nothing certain can be gathered as to the two former offices, which occasion the clergy to practise differently in this circumstance.

Likewise in the communion office the minister is ordered first of all to receive the communion in both kinds himself, before he administers it to the people. But how, or in what form of words, he shall take it himself is not said; which is apt to produce some variety of expression on such occasions. Bishop Cosins indeed had drawn up a form which all the clergy were to follow when they received the communion themselves; but it was not put in at the last revisal.

To these instances more might be added from

the rubrics at the head of the offices of public and private baptism: upon all which I observe in general, that where the rubrics are defective, or capable of two senses, or of doubtful interpretation, there is no stating a minister's obligation to observe them: nor is uniformity in practice to be expected; because every minister must be allowed a liberty of judgment, and consequently of practice, in cases not sufficiently clear, or capable of various constructions, so as he make no breach upon those rubrics that are plain and express. In several of those points that I have mentioned above, the clergy take different ways; and they may safely and honestly do so, for there is no room to say that any of them do wrong, since there is not evidence enough which of those ways are right. Something may be perhaps pleaded, as it is only upon the foot of private sentiments, we remain still at liberty to follow our own judgment and discretion in those points, till they who have authority do settle a rule for us concerning them. And if, in the mean time, any of us have real scruples upon these points, our proper recourse is to the ordinary of the diocese for satisfaction; because his determination in all doubtful cases<sup>a</sup> is authoritative, safe, and legal; and is granted us as a supply for all the deficiencies we meet with in the letter of the rubric.

I proceed then to the second class into which rubrics were distinguished. And that is of such as either require to be understood with limitations, or will at least fairly admit of them.

<sup>a</sup> Last clause in the preface concerning the service of the church.

Of the first sort (among those which relate to ourselves) we have an instance in the Order for Morning and Evening Prayer, where it is said, “ that such ornaments of the church, and of the ministers thereof at all times of their ministration, shall be retained and be in use, as were in this church of England by the authority of parliament in the second year of the reign of king Edward VI.”

There was one sentence at the end of this rubric left out at the Restoration, which would have explained it more fully. The words were these, “ Accordinging to the act of parliament set in the beginning of the book.”

And these words will lead us to the proper limitations of this rubric. For, if we look into the first Act of Uniformity by queen Elizabeth, we shall find the words of this rubric taken *verbatim* from that act, and to be only a part of a clause whereby the queen expressly reserved to herself a power of ordering both the ornaments of the church and of the ministers thereof otherwise hereafter; which power she did afterwards actually make use of, though not perhaps just in the method prescribed in that act, yet so effectually, that our habits at the times of our ministration stand regulated by her injunctions to this day.

Now putting these things together, that the rubric hath an immediate reference to the act; and that the act is made with an express reservation to the queen’s future appointments; and that the queen, pursuant to this power given her, did, in the year 1564, publish her Advertisements (as they are called) concerning the Habit of Ministers to be worn by

them in Time of Divine Service ; it will appear that her injunctions thus set forth are authentic limitations of this rubric.

It is true some disputes have been made concerning this power given her, whether it was only during her life, (as her powers in some other statutes of the same year are expressly limited,) or derivable upon her successors, and annexed to the crown. But this makes little difference in our present question. Her injunctions have the sanction of that parliament which granted her the said power, and the sanction too of the Act of Uniformity after the restoration, which by this rubric now under consideration refers, according to the explanation now given of it, to her injunctions. But if, by the Act of Uniformity in the first year of her reign, there is a reservation of the said power to the crown, and it is derivable upon her successors, then it will follow further, that although such injunctions had not been set forth by her, yet we should have been secured in the present allowed usages concerning habits and ornaments ; because it is a rule, that, wherever a discretionary power is left with our governors, a constant practice permitted, and for that reason supposed to be approved by them, is equivalent, by interpretation, to their command : of which more hereafter.

Another rubric requiring to be understood with a limitation, is the first rubric in the form of matrimony, by which the minister is enjoined not to “celebrate the matrimony unless the banns have “been three several times published on Sundays or “holydays.” But yet by other laws in force the minister is permitted to marry without publishing the banns, or having any certificate of their being

thrice asked; wherefore bishop Cosins thought it would be requisite to add this exception to the rubric, viz. "Unless there be a dispensation or license granted by the bishop in some special or urgent cause." But, till such exception shall be added, the rubric must be understood to be limited by this proviso.

And, as these rubrics require to be understood with certain limitations or exceptions, so there are others that will at least fairly admit of them. As for instance,

There is a rubric which says that "the curate of every parish shall diligently upon Sundays and holydays, after the second lesson at Evening Prayer, openly catechise the children." But, as some of the strictest men in rubrical matters have justly observed <sup>b</sup>, no obligation can be urged from hence that ministers should catechise on all Sundays and holydays, but that if they do it as often as occasions of their parishes require, and do it on such days and at such times as are here specified, and shew their diligence herein, so far as their diligence is necessary in this respect to the faithful discharge of their duty in the place where they officiate; that then they fulfil both the intention and the letter of the rubric. And the like reasoning will hold in all the like cases. Some rubrics will bear to be taken in a limited sense, where the limitation is made by the reason of the thing, and is neither a forced construction, nor resolvable into mere custom or convenience.

The third class of rubrics, in our present division,

<sup>b</sup> Additional Notes on the Catechism, printed at the end of Dr. Nichols's Commentary.

consists of such as leave a discretionary power with the minister. As in the choice of hymns in the daily service; and of the occasional prayers and thanksgivings to be said after the stated ones; in supplying the Sundays after Trinity, when their number exceeds the provision there made for them, out of the supernumerary collects, epistles, and gospels after the Epiphany: in the choice of sentences before morning and evening prayer, and at the offertory; and of exhortations and collects in the communion office: in the usage or omission of a prayer “in the office of matrimony, and of a psalm in the “burial office;” in the “appointment of the time” for christening, and other the like rubrics, especially in the “office for visiting the sick” where a great deal is left wholly to his discretion <sup>c</sup>.

<sup>c</sup> Some of the rubrics indeed in this office of visitation might be as well ranged in the last class as in this, for they are to be understood with limitation, as well as executed by discretion. Such, for instance, as the direction given to the minister, to advise “monish sick persons to make their wills,” and “to move them “earnestly, if they are of ability, to be liberal to the poor.”

These two rubrics, though distinct, have a close connexion with each other, and also a reference to the 84th Canon of 1603, which ought to be consulted for the better understanding of them. It is entitled “a chest for alms in every church.” And therein “the parson, vicar, or curate, is required diligently from “time to time, and specially when men make their testaments, “to call upon, exhort, and move their neighbours to confer and “give, as they may well spare, to the said chest; declaring unto “them, that, whereas heretofore they have been diligent to “bestow much substance otherwise than God commanded upon “superstitious uses, now they ought, at this time, to be much “more ready to give to the poor,” &c.

And, in order to understand what is meant in this canon by the gifts to superstitious uses, we must look yet further back to

Now what we have to do in all these cases is only to be considerate in the use of this liberty, and not

K. Edward VIth's Injunctions of 1547, from whence we shall find this whole clause taken *verbatim*, save only that instead of “superstitious uses,” we there read “pardons, pilgrimages, tren-  
“ tales, decking of images, offering of candles, giving to friars,  
“ and other like blind devotions.”

Now the ground of this injunction, especially as it relates to testaments, was this: *viz.* formerly, by the canon law, every one was bound to bequeath a part of his estate to religious uses, and in some such proportion too, as he left to his children; so that if he had three children for instance, Christ was to be reputed a fourth, or be made an equal sharer with the other three in the inheritance: if he had but one son, Christ was to be esteemed as a second son; and so on. (Decret. par. ii. Caus. 13. Qu. 2.) And what was so bequeathed to the church was usually deposited in the bishop's hands, and went partly to the support of the fabric of the church, and partly to the maintenance of the minister thereof. It is not to be doubted that the Popish curates made the best advantages of this law, and would not be remiss in admonishing and exhorting sick persons, especially when they made their wills, to this purpose. And we find it one of the Articles of Inquiry in King Edward's Visitation by Cranmer, 1547, “Whether they (the curates) have moved their pa-  
“ rishioners, lying on their death-beds, or at any other time,  
“ to bestow any part of their substance upon trentals, masses  
“ satisfactory, or any such blind devotions.” Sparrow's Coll.

p. 29.

But when all these gifts and bequests were totally set aside, and were to be no longer allowed of, “the poor man's box,” or chest for alms, was enjoined to be set up, for the reception of what people were wont to bestow to the superstitious uses above mentioned; and the curates were required to make their exhortations to sick people in favour of this new institution. Thus we find among the Articles of Inquiry just now quoted, these further items: “Whether they have provided, and have a  
“ strong chest for the poor men's box, and set and fastened the  
“ same near to their high altar. Item, Whether they have  
“ diligently called upon, exhorted, and moved their parishioners,

to transgress the bounds within which our discretion is restrained; nor give any occasion to a re-

“ and specially when they make their testaments, to give to the “ said poor men’s box, and to bestow that upon the poor chest “ which they were wont to bestow upon pardons,” &c. Ibid.

From these observations, I apprehend it will be easy to collect the true intention of the rubrics in king Edward VIth’s first Service-book in the Visitation-office; viz. “ The minister “ may not forget nor omit to move the sick person (and that “ most earnestly) to liberality towards the poor.” And this is annexed to, or is part of, the clause or rubric which appoints the making of wills, and is not separated, or made a distinct rubric, as it is in our present prayer-books. That this old rubric refers to the injunctions published the year before, concerning the poor man’s box, cannot, I think, reasonably be questioned. And that our present rubric, which is the same with a small variation, should be interpreted in like manner, with a reference to the 84th canon, is justly, as I conceive, to be inferred.

But now, since the publication of these directions both in rubrics and canons, the things they treat of are by time, and in some circumstances, altered from what they then were. There is a better provision now made by law for the disposition of intestates’ estates: there is not that necessity there formerly was to admonish the people on this head. There are also provisions made by law for the better maintenance of the poor, which may render the use of the poor man’s box of less importance than it formerly was; insomuch that those public chests for alms are now rarely to be met with: or if they remain standing yet in some churches, they remain rather as monuments of a former institution for the maintenance of the poor, than stand as instruments of their present supply. These things being considered will make an alteration likewise in the stress to be laid both on the canon and the rubric, which latter is likewise softened and relaxed in the expression: and is not, as now worded, so properly a command which may not be dispensed with, as it is a monition to the clergy who attend the sick, especially when they make their wills, to remind them of the poor, and of the acceptableness of almsdeeds in the sight of God; but this to be done nevertheless by ministers at their own dis-

mark that was often in the mouth of a great churchman and ritualist, viz. "that what was left to the discretion of a minister was also left to his indiscretion."

And whereas there are liberties too often taken by some under the notion of a discretionary power, which are not so justifiable; as the adding to the public service more than is commanded, in multiplying collects (for instance) in the coincidence of festivals; or joining at any time more collects, as collects for the day, to that which is properly so, (and which is but one, except it be in Advent and Lent, or at other times when special direction is given for more collects than one;) and in using prayers out of the office for visiting the sick, for the sake of such as desire to be prayed for; or adding in any other respect to the prescribed service, without an order or license to do so; (and the same may be said *vice versa* of omissions, or passing over any parts of the public offices;) I say, whereas too great license hath been taken in these respects, we would do well to remember, that whatever liberties the rubrics do not formally allow us, they do virtually forbid us: at least we are not to venture upon them on our own judgments, or without the concurrence of our ordinary, to whose discretion a greater latitude is given in all cases where the rubrics themselves seem not to be a sufficient directory.

And this brings me to the fourth division of rubrics, viz. such as are within the cognisance, interpretation, or judgment of the ordinary of the diocese:

cretion, as well as in their own manner; with due consideration of the circumstances and abilities, as well as of the present temper and disposition, of the person to be so exhorted.

as, for instance, the appointment of that part of the church where morning and evening service shall be said; of the place and of the time<sup>d</sup> in which women are to be churched: the ordering what shall be published in time of divine service; and determining upon what extraordinary occasions the Litany or the Communion shall be used; and the appointment of the place where young people are to be brought to be confirmed, and the like; most of which are expressly left to his determination, and others are referred to him by that general clause at the end of the Preface concerning the Service of the Church; but with this restriction, that "he shall "order nothing that is contrary to any thing that "is contained in the Book of Common Prayer." So long therefore as he acts within these limits, his resolution of doubts, and his decisions concerning the manner how to understand and execute the rubrics, will be our proper warrant: and, where he doth not interpose his directions, it is a good rule for us, to observe the usual customs of the diocese we live in, or the particular churches in which we serve. Because in these cases all customary practices, which are supposed to be known

<sup>d</sup> Bishop Sparrow says, the churching of women was used to be done between the first and second service, as he had learnt by some bishops' inquiries at their visitations, supposing that it was the least interruption *then* to either of those offices. Sp. by Downes, p. 232. It is commonly performed on the weekdays, just before the general thanksgiving: on Sundays, just after the Nicene Creed. Some have thought it a distinct office, and that it ought to be performed before the public service begins. But under this uncertainty the time must be determined by the same rules with the place; viz. "as hath been accustomed, or as the "ordinary shall direct."

and allowed of by the ordinary, may be interpreted as his direction: and our following this rule is countenanced by some of the rubrics themselves: as in these words, “In the accustomed place, except “it shall be otherwise determined by the ordinary.” “As hath been accustomed, or as the ordinary shall “direct,” &c.

And it is upon this footing, and no other that I know of, that we can justify ourselves in making publication of many things in the church, for which there is no direction in the rubric; as in calling of vestries, declaring parish-officers, giving notice for the collecting assessments, and the publishing both the names of, and the occasions for which persons desire the prayers of the congregation, or to return thanks; and other things that are indeed of an ecclesiastical nature, but yet for which we have no direct warrant either from rubric or our ordinary. But these sorts of publications being customary, and what our ordinary must be supposed to be apprised of as such, are presumed to have his consent; and so to fall within his discretionary power; his approbation of such customs being implied in his connivance at them.

That maxim therefore of custom having the force of a law, and practice uncontrolled by our governors being equivalent to a rubrical direction, however it hath been misapplied in some parts of our church-service, yet it takes place properly enough in all the rubrics of this class. For what our superiors do knowingly allow and permit to run into common usage, when at the same time they have power, and it is their duty to correct if wrong, may very fairly be looked upon as the most agreeable to their

sentiments, and consequently legally right in all these cases, where the law hath made them the sole arbitrators and judges of what is so. Only we must be careful not to extend this rule beyond those bounds within which their discretion is circumscribed ; for, where they have no power to dispense with our practices, in vain shall we look for a salvo, or any relief from their authority.

And this brings us to the fifth and last class of rubrics in the division, viz. such as are plain and express, and neither admit of doubt or limitation, nor are subjected any way either to the discretion of the minister or the ordinary ; but are of indispensable obligation, and require to be observed as they are to be understood, that is, according to the letter.

And of this sort, as I told you, are much the greatest number in our Common Prayer Book ; and I hope, of those which are our orders and directions, most, if not all, are every where duly observed by us. That which of all others seems to be the least regarded, as far as my observation has reached, is a rubric in the communion office ; which I think myself bound here to take notice of. It is the rubric that stands immediately before the prayer for the church militant, which says, that “ When there “ is a communion, the priest shall then,” viz. before he offers up that prayer, “ place upon the table so “ much bread and wine as he shall think sufficient.”

This was put in at the last review ; and an expression added in the prayer following which is adapted to that particular action<sup>e</sup> : for then, and

<sup>e</sup> “ Though our church,” as Dr. Nichols truly says, “ has not “ ordered any particular prayer for this action of the priest, he

not before, came in the word *oblations*, having immediate reference to that new order about the placing the bread and wine upon the table. Which word, though commanded to be used by another rubric in the margin, yet cannot be used in the plainly intended sense of it, unless the former rubric about placing the bread and wine be complied with.

Whether the bringing in this rite, and adding the word *oblations* to the prayer to suit with it, was proper in itself, and done upon sufficient reason, is not any part of my design to consider now: though I believe, that whosoever will be at the pains to look over the annotations of learned men upon the communion office, will find something concerning both the expediency and the antiquity of this rite worthy his attending to.

But I here only consider the order itself as a positive injunction<sup>f</sup> capable of being complied with,

“ought not to neglect the action itself:” which reason holds much stronger when we consider that there is an expression to be used in the prayer following the action, that presupposes the action to be done by the minister, which expression is rendered insignificant if he omit the action.

<sup>f</sup> The rubric, being plain and express, stands in full force, though what I have been saying of the relation of the word *oblations* to it, should not be allowed me. The truth is, although I take this to be the most reasonable and most proper sense to be put upon the word *oblations* in this prayer, yet I cannot say it is the only sense in which it may be consistently taken in this place. *Oblations* is a word that may be variously applied, and hath been so in this very passage: the question is, whether any application of it can be fixed upon as certainly right, and as intended by the compilers of the rubric? They who would interpret it of the alms will find it difficult to get clear of the distinction that is made here between alms and oblations, by the

ordinarily speaking, by any person who has the honour to stand ministering at the Lord's table.

disjunctive *or*: and they who would interpret it of offerings made to the clergy, agreeably to the old rubrics in all the former Service Books, will find it hard to account how it happened that this word *oblations* was not brought into the body of the prayer, till all these offerings to the clergy had in a manner ceased, and the rubric itself which directed them was expunged. And they who suppose that the offerings to the clergy are still to be understood by that expression of "other devotions of the "people," as distinguished from their alms, (vide rubric of the Church of England examined and considered, p. 74,) would do well to consider, whether that expression was not rather designed to correspond with another rubric added at the last review at the end of the communion office, where it is said "that "the money given at the offertory" (viz. both "the alms and "other devotions of the people," which by the rubric in the offertory are both to be collected together and "received in a "decent bason,") "shall be disposed of to pious and charitable "uses." For upon comparing these two rubrics together, one would naturally think, that as the alms were properly to be understood of that share of the collected money which should be afterwards disposed of to the relief of the poor, so also, the "devotions of the people" was an expression that had reference to, and was to be understood of, that other share of the said collection that was applicable to pious uses. And it is in this sense that I apprehend the word *oblations*, inserted in the prayer, may be consistently applied to a portion of the collection in the bason, viz. such share as shall be appropriated to acts of piety. But when this is allowed, the other meaning of *oblations*, viz. bread and wine, will appear the more consistent of the two, especially according to our present practice; which is to distribute the whole collection to the poor. For, while we do this, I do not see in what sense we can use the word *oblations* in the prayer, except we understand thereby the bread and wine. And of that we cannot understand it, unless it be first offered or presented by the priest.

And it may not be amiss on this subject of the offertory to observe further, that, when there is no collection of alms made,

It is good indeed, and commendable, to inquire into the reasons of every thing belonging to our

there is no occasion to use any of the sentences appointed to be recited during the time of a collection. Rubric before the sentences: "Then shall the priest return to the Lord's table, " and begin the offertory, saying one or more of these sentences." Rubric after the sentences: "Whilst these sentences are in reading, the deacons, churchwardens, and other fit persons appointed for that purpose, shall receive the alms of the poor," &c. The old rubrics are more express: "Then shall follow the offertory: one or more of these sentences of holy scripture to be sung while the people do offer. Or else one of them to be said by the minister immediately afore the offering. — Where there be clerks, they shall sing one or many of the sentences above written, according to the length or shortness of the time that the people be offering." The rubric in the Scotch Liturgy is the clearest of all: "The curate shall earnestly exhort them to remember the poor, saying (for the offertory) one or more of these sentences following, as he thinketh most convenient by his discretion, according to the length or shortness of the time that the people are offering." And the first sentence appointed is, *And in process of time it came to pass, that Cain brought of the fruit of the ground an offering to the Lord, &c.*

From these several rubrics laid together, the sense of the church may be gathered; viz. that alms and the sentences are intended always to accompany each other: and the obvious inference is, that, where the former are wanting, the latter will seem superfluous, and without warrant.

Formerly, the offerings went to the poor man's box, and the poor of each parish were chiefly supported from thence. And then there was an offertory of alms, at least every Sunday, if not also on holydays, or as often as the communion service was appointed. Such weekly collections at the church are to this day made in some parishes where there is no assessment to the poor. And on all these church-gatherings of alms the use of the sentences is extremely proper. But, where no collection is intended or thought of, there seems to be no inducement to use them, as there is no express authority for it. Yet I dare not

office: but, if we should happen not to be satisfied with the reasons that are assigned, still it doth not follow that we may excuse ourselves for not observing the order that is made to be observed by us, which, if a plain one, is reason of itself to engage our compliance with it. There were orders given at the last revisal, of which perhaps the reasons are not quite so discoverable, or at least not so satisfactory. As, for instance, in this same office for communion there was a new direction given, that at the end of the epistle the minister should say, "Here "endeth the epistle, or the portion of scripture ap- "pointed for the epistle." But at the ending of the gospel he is left without direction, and so must proceed on course to the Nicene Creed. They who undertake to account for every thing tell us, that the reason of this is, that the gospel is supposed to be continued in the Creed, and endeth not properly

blame any minister who continues the common practice of reciting one or two of them, before he proceeds to the prayer for the church militant. And the rather, because it is observable that in most of the occasional offices for fasts and thanksgivings, enjoined by authority, one of these sentences, which bears the nearest relation to the occasion in hand, is directed to be read at the offertory. And these directions plainly carry their authority along with them. But, while we are left to the apparent directions in the rubric only, it will be difficult to shew that we have any authority from thence to use them when there are no stated offerings of alms. The just consequence of which would have been, that we might not at those times use *any* of these sentences, had not custom, and an almost universal practice of the clergy, forbid the drawing such a consequence.

Therefore, as the matter now stands, it seems to be left as a point determinable at our own discretion, viz. either to do what has been most usually done, or not to do what we are persuaded in our judgments was not originally designed to be done.

till we conclude with “life of the world to come. “Amen.” But, whether this be thought a satisfactory reason or no, yet the silence of the rubric is a sufficient argument that we ought not to put in any words of our own at the end of the gospel: the want of an order in this case amounting to a prohibition.

It may be said perhaps there is no great reason, considering how many things are left in the Liturgy to our discretion, that we should be directed in such minute particulars as these are. Why may we not, for instance, be intrusted with using our own manner of introducing a lesson out of the Bible, or a portion of scripture to be read at the altar, but the very words must be prescribed us? True: and yet I must needs say that he is both conceited and presumptuous who is above following rule (when it is given) even in these little matters: especially where the command is positive and express, as it is upon supposition in all the rubrics of this class.

Of which I must observe to you in general, that no custom however confirmed can take place against them: that we cannot transfer our breaches of them into the list of approved practices, nor justify our neglects of them by pleading the connivance, or, if you will, the approbation of our superiors. It is true, the ordinary may forbear to blame, and he may neglect to reform, any customary deviations from, or any open defiances of, express and positive rubrics. But as he hath no power to alter them, or to dispense with alterations made in them, so he cannot excuse or discharge us from our obligations to conform ourselves to them. His authority in the rubrics of the last class is so limited, that he cannot

extend it to those of this: for those rules which are clear and plain must be the ordinary's directions as well as ours. And therefore it is never to be presumed that our noncompliance with plain and positive rules, however supported by example and custom, can receive any warrant from his permission or approbation. For we are antecedently bound to observe them by our own solemn declarations and subscriptions of conformity: which if they will not bind to those things which are sufficiently clear, obvious, and practicable, I know not what use they are of, or with what intention we made them.

And now, my brethren, what I have said of the different kinds of rubric will, I apprehend, bear an examination through all the offices of our church: and will be a standing rule by which we may judge of our obligations to conformity in every instance; and a proper foundation upon which we may always rest ourselves, both in determining our judgments, and regulating our practice in rubrical matters.

## VISITATION CHARGE ANNO 1738.

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### DISCOURSE V.

*Upon the Canons in general.*

REVEREND BRETHREN,

THE subject of several of my late discourses to you at our meeting on these occasions has been the obligation of the clergy to the ecclesiastical laws.

I have already gone through the most important branch of it relating to our observance of those articles which we have bound upon ourselves by our subscriptions and declarations.

And I come now to take into consideration that body of laws which we call *canons*: which are bound upon us by authority, without our formal consent or voluntary stipulation to observe them. In which branch of the subject, as our obligation is something more remote than in the former, so it is less clearly to be discerned: and though the matter of it, at least in many particulars, be of less consequence, yet it is more nice and difficult to be treated of. Especially as there are no helps by way of comment on the canons, from which assistance might be borrowed, either for explaining them, or ascertaining the measures of obedience due to them.

The old constitutions indeed are published with very large, and, it is said, learned commentaries of

Lynwood and John de Athon, in imitation of the decretals, or foreign canons. But ours of 1603, which make that body of ecclesiastical law by which our church is governed at this day, have never yet received, that I have heard of, either any professed commentary upon them, or disquisition concerning them.

If it be said they need it not, because the matter of them being much the same with former constitutions, therefore the same copious illustrations just now mentioned may serve for both; and that the standing practice of the courts will always be a sufficient guide in the interpretation of them both; I answer, that all this may be very true (for any thing I know) so far as they concern the practising civilian; who will, perhaps, need no other helps than these comments and judicial precedents to enable him to discharge himself rightly, either as advocate or judge, in all points to be pleaded or decided by virtue of the present canons. But yet this doth not reach the scope of my intended inquiry; which is not upon the question of what is law, and what is not so; (for this we remit to the men of the profession;) but what are the obligations of the parochial clergy in their present situation under church government in this kingdom, and under the present administration of the ecclesiastical laws, to conform themselves to the letter of the canons.

This I apprehend is a very distinct question from the other, the determination of which comes not so properly within the province of the canonist or civilian, (characters that I presume not to take upon myself,) as it does within that of the casuist or divine. In which quality or respect only, I would

propose to you, my brethren, an examination of our special obligations to those particular canons that do immediately relate to ourselves. For, as to all those others that concern ordinaries, and the exercise of their powers within their respective jurisdictions, their courts, and their officers; and all such as concern deans and chapters, heads and fellows of colleges in the universities; and all such as concern the commonalty in general; in a word, whatsoever doth not directly affect private ministers and curates, with regard to their function, habit, or conversation; all these, I say, shall be out of the present question.

And though this is reducing my business, seemingly, into a small compass, yet it proves a business of so delicate a nature, that I could have wished to have had better authorities (could I have met with them) than my own way of reasoning upon it. My private sentiments however, such as they are, you will candidly accept; especially, when I profess that if you have any other or better grounds, upon which to regulate your obedience to the canons, than those which I go upon, I am very far from imposing my own sense upon you. But, if you have not better, perhaps what I shall advance will not seem altogether unsatisfactory.

In the first place, then, I think it is agreed on all hands, and maintained by the common lawyers as well as civilians, that the canons (at least with respect to us of the clergy, in which light alone I am viewing them at present) are law, and binding under their several penalties, in all cases whatsoever, where they do not contradict or interfere with the laws of the state. And, in the next place, I think it is agreed likewise, that they, like other laws, are to be

expounded in the obvious grammatical sense of the words in which they are expressed, or by the interpretation of the ecclesiastical judges, before whom they are pleaded as law. And I apprehend that in all cases prosecuted upon the canons, and determinable by them, the judges, in proceeding “as the “canons direct,” interpret them always according to the letter. The immediate inference from which should seem to be that they ought likewise “in all “cases to be literally conformed to.” And yet, if we should lay this down as an invariable or indispensable rule of practice, as matters now stand with us, in all cases to pay a literal obedience to the canons, we should soon find ourselves so entangled and beset with difficulties, as would puzzle both professions of the law as well as our own to extricate us out of.

To give an instance or two of what I mean. When the canons were made and published, the parochial clergy were distinguished by certain characters which seem now quite out of doors. Even beneficed men were divided into two sorts, viz. allowed or licensed preachers and readers of homilies; besides that other distinction of stipendiary preachers, readers of lectures and catechisers, or public expounders of scripture, which made a third class: or as many more classes as those words might at that time denote different offices or different species of public instruction. With a view to these distinctions are some canons manifestly formed. But now, for us to say that because these distinctions are dropped, and these several offices are now reduced by custom only to two, preaching and catechising; and both these are indiscriminately per-

formed by every one that is admitted into holy orders; I say, to infer from hence, that therefore these canons are antiquated or invalid, is an argument that will not hold. For, if our ordinary should think fit at any time to try the strength of them upon us, and suffer none of us to preach, read lectures, expound, or catechise, but who are canonically allowed and licensed thereunto; he might either effectually stop the mouths of as many of us as have not his preaching license, or reduce us at least to the reading of homilies. And yet, on the other hand, if any beneficed man, who is not an allowed preacher, should out of mere scrupulosity adhere to the strict letter of the canons, and not venture upon any further essay in his pulpit than the bare recital of an homily; I believe he would neither be commended by his ordinary, nor thanked by his congregation: but would rather draw upon himself an imputation of whim and obstinacy, or, what is worse, of idleness and unconcern for his flock.

There is likewise another canon, for instance, concerning apparel, framed and worded suitably to the times in which it was drawn up; which yet if a clergyman were nowadays to conform himself to according to the letter, he would pass in the eye of the world with no favourable character; a much worse perhaps than his scrupulosity would deserve, and such as all his skill in casuistry would scarce redeem. Yet, notwithstanding this, I will not say how far an ordinary, if he were so minded, might go towards putting this very canon in execution, according to the letter of it. I mean with respect to his just and legal authority to enforce it, if he

could be supposed to have any reason to induce him thereunto, or be able with any certainty to define or explain the meaning of some obsolete and now unaccustomed terms, made use of in the description of a canonical habit.

The use I would make of mentioning these instances is, that if these canons be law, and yet so in force that there is a standing authority left which can command our conformity to them, then we cannot justly argue against our obligations to them, merely from their antiquity, or their unsuitableness to the times we live in, or their inconvenience in our present situations, but must look out for some more defensible reasons, to justify us in our not observing them.

The next inquiry then naturally is, whether there are not certain dispensations or acknowledged tolerations which come in to our relief, upon this question ; and what they be ; and how far they extend ; that is, to what cases, and in what measure and degree.

I had observed in a former Discourse in which I very briefly touched upon this subject, that besides those dispensations that are formal and express, and strictly authoritative, there were (as I apprehended) another sort which might very reasonably and allowably be pleaded for our not following the letter of the canons in all points. To these, for distinction sake, I gave the name of *tacit dispensations* ; that is, when the proper guardians or conservators of the ecclesiastical laws were known to be consenting to our departure from the letter of the canons, on presumption that we answered the principal end and intention of them some other way. Which

interpretative tolerations, though they do not so far interfere with the canons, as to annul or destroy their validity, or their obligation; yet they so far relieve us under our present situation, as to exempt us from whatever seems at this time grievous or exceptionable in the canonical injunctions. And these tacit dispensations I did further distinguish into general and particular; and shall now, before we proceed any further, endeavour to support and confirm these three distinctions of dispensations, by such reasons, as I hope will prove that they are not arbitrarily invented, but grounded upon a justifiable authority.

First, then, it is acknowledged, that the ordinaries have in some cases a dispensing power: allowed them in part by the canons themselves<sup>a</sup>, in part accruing to them by a customary prerogative<sup>b</sup>. And their express license, given in form, is a full discharge from all obligation to such canons as are within the compass of their dispensing powers.

This is clear; so is also another discharge that is made by the several statutes enacted since the publication of the canons: for the laws of the state do in some things supersede them; (as, for instance, the act for abolishing the high commission court overrules or rather abrogates the eighty-sixth canon,) and in other things they direct and point out the interpretation of them: (as the last Act of Uni-

<sup>a</sup> Can. 32, 42, 44, 51, 62, &c.

<sup>b</sup> This is seen chiefly in such acts as they perform themselves by a peculiar privilege; as marrying out of canonical hours; and in extraordinary faculties granted by archbishops, as that of licensing a bishop to ordain a man priest and deacon on the same day, &c.

formity, for instance, gives the sense and determines the present meaning of the fourteenth canon, *Concerning the prescript form of Divine Service*; which is not the same now that it was in 1603, when the canons were published.) Therefore concerning this class of dispensations, or discharges from the letter of them, there is no doubt to be made, either in point of law or conscience.

The question is about those only that come under the denomination of tacit dispensations, whether general or particular; of both which I come now to give an account.

The particular tacit dispensations are, when the ordinary, or they whose business and charge it is to see that the canons are obeyed, do, for some special and obvious reasons, connive at certain things or proceedings not strictly canonical within their own jurisdictions: when they are known, in their private judgment, to allow what at the same time they may be unwilling openly to warrant and justify by their authority; as doubting perhaps whether they can legally give a sanction to what nevertheless they are obliged, by the reason of the thing, to give permission.

That such special allowances are necessary to be sometimes made, will appear from hence; that it is impossible, humanly speaking, to frame a body of laws so completely, as to suit all places equally within the realm; or to calculate them so exactly to the various circumstances, both of things and persons that come under ecclesiastical cognisance, as to make them answer all with any tolerable convenience. Whence it follows, that, in different districts or dioceses, there will be such peculiar and

local inconveniences, in keeping strictly in all cases to the letter of the canons, as could not well be endured, if a remedy did not lie in the tacit dispensation of the ordinary, and the discretion of others who are concerned in putting the canons in execution.

And, as these tolerations respect particular and local inconveniences, so the general tacit dispensations respect such as are absolute and common to all ; that is to say, when the ordinaries, or other spiritual judges, whose business it is to enforce discipline or rule, do appear by a general and avowed neglect on their side to consent, and as it were subscribe, to those non-observances of the canons which they unanimously overlook. And for this too there may be very good reasons. The canons were framed suitably to the particular principles, discipline, and customs of that age in which they were set forth. The reasons of some injunctions have now ceased. The use and fitness of others now no longer appear-eth. And what might be decent then, and pass well, would seem now, (after almost a century and a half,) through gradual change of customs, strangely anti-que and unbecoming. And this will happen on course in all laws and institutions concerning circumstantial, and things in themselves indifferent ; which are perpetually subject to alterations as the times change, having nothing in themselves to support their credit against the prevailing humour of mankind. And therefore, in all these cases, the main end and design of the law or institution is more to be attended to than the particular circumstance, mode, or manner of complying with it. For which reason our governors might think it better, and

more discreet, to connive with one consent at the neglect of the letter of some canon, that they might give thereby the more scope and room for attaining the true end and intention of them.

You will better discern the justness of these observations, when I shall come hereafter to apply them in their proper places to the canons themselves. At present it is time I should draw towards my intended conclusion from these premises. As thus ;

That when we have admitted these three kinds of dispensations abovementioned, and served ourselves of them as far as they will justify us, it will be very hard to find any other reason, or cause of excuse, for not conforming to the letter of the canons. For, as I before said, they are all laws which require our submission to them, in all points which are neither superseded nor dispensed with : and consequently our obedience (as I take it) is subject to no other limitations, but what come under one or other of the aforementioned heads.

To allege that the matter of the canons is not always of such consequence, as to require we should be so closely tied up to conformity, is an insufficient plea; because we are not proper judges of that. And although it be true that every breach of canons undispensed with is not of equal consequence, nor equally attended with censure ; yet this is a consideration that ought to have no weight, while we are examining into the nature and extent of our obligations to observe them. There is no doubt but a clergyman runs more hazard of being called to account, and suffering a greater penalty, and in reality does a more mischievous thing, by breaking

the sixty-second canon, which prohibits all marriages without banns or license, than by breaking a great many more (that I could name) which yet are equally obligatory upon him in point of conscience; and which do no more admit of any sort of dispensation, than that same injunction about marriages doth. So that this distinction of a more or less importance, in the subject-matter of these laws, will not come into the question, while we are considering them as a rule to which we ought to conform ourselves.

All that I have been saying then concludes in these two general rules of direction. First, to adhere to the letter of the canons, in all cases where we cannot justly allege any of the three kinds of dispensations abovementioned. And,

Secondly, in all cases where we can plead a dispensation for departing from the letter, to answer the true intention of the canons some other way: and not to depart further from them, than we have satisfactory reasons, as well as presumed leave, to justify and warrant us in so doing.

It is upon this plan or scheme that I propose (God willing) hereafter, as I shall have opportunity on these occasions, to go through the examination of all those canons that more immediately relate to us of the parochial clergy.

And in the mean time what I have now offered, preparatory to this inquiry, may not be unuseful to such as have not had the canons much in their thoughts, nor were ever at the pains of trying how to reconcile their practice to the ecclesiastical laws.

I shall close this address to you with observing, that the canons, however by the laity customarily

slighted, or through inadvertency disparaged, are yet well worthy our perusing and reflecting upon now and then. And it can hardly be supposed, but king James's injunction towards the end of his ratification of them, requiring them to be read over publicly in the churches once a year, though it might be designed chiefly for the benefit and admonition of the laity, yet had some view likewise to a benefit that might accrue to the clergy themselves from doing so: that the canons might not lie dormant in the parish chest, but be seasonably kept up in the remembrance both of priest and people.

What authority indeed that injunction hath, at this time, may be a question. It is not canon, nor is the neglect of it presentable, or made an article of inquiry into the transgressions of ecclesiastical laws. Yet it is enjoined in the same letters patents by which the king ratified the body of canons for himself and his successors. But whether it partakes of the same standing authority with the canons by him thus ratified, since it is neither canon itself, nor hath been revived among the injunctions given by succeeding princes, who all have acknowledged, and in some points reinforced the canons themselves; or whether it ceased to be in force after the king's demise, as it was thought queen Elizabeth's injunctions did at hers, because she had not ratified them for her heirs and lawful successors as well as for herself; is a nicety that I will not take upon me to determine.

Only thus much I may take leave to remark, that we are under no formal discharge from observing this injunction, if we find it expedient to follow it. We are at liberty to read the canons, or such por-

tions of them as we see convenient for the instruction of the people, by virtue of this injunction, at least once in the year. Nor can it be judged unseasonable or improper for us to make use of an order, which, though perhaps not strictly obligatory, yet at least hath never been contradicted or set aside by authority: especially as we are in some sense the conservators of the ecclesiastical laws, under the ordinary, within our several charges.

But whatever be our sentiments or our conduct as to this matter; whether we judge it expedient, or no, to recite and publish the canons yearly in our churches; yet it is highly fitting at least that we look into them ourselves, and duly ponder those parts which immediately appertain to our office and ministry.

And if what I have said can any ways facilitate, or give any furtherance to your reflections thereupon, you claim the advantage by the undoubted title you have to my best endeavours for your service.

## VISITATION CHARGE ANNO 1739.

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### DISCOURSE VI.

*Upon the Canons under the two first Titles.*

REVEREND BRETHREN,

MY last charge on this occasion was wholly taken up in preparing the way for the examination of such canons as immediately concern the parochial clergy.

The inquiry was then into our obligation to observe them, to shew what it was, and how far it extended. The result of it in the conclusion, which is all that I shall now repeat, was this, that we seemed bound to adhere to the letter of the canon in all cases where we could not plead a dispensation for departing from it. And, in such cases where we pleaded a dispensation to exempt us from the literal observance of them, we seemed bound to answer and fulfil the true intention of them, as far as we could, some other way.

And that no doubt may arise concerning the word *dispensation*, and the extent of it in our present question, I must further put you in mind of no less than three sorts of dispensations, which it was supposed, for reasons then given, would be sufficient discharges of our obligation to the letter of the canons.

The first sort were formal and express dispensations by proper authority. The second were particular tacit dispensations from our ordinary in spe-

cial cases. And the third, general tacit dispensations, or liberties commonly allowed by all the ordinaries in the realm ; viz. liberties not censured, or so much as called in question by them. Which last class, though at first sight it may seem the most exceptionable, yet stands upon a footing universally acknowledged, “ that canons do not prevail against “ custom.” And I think it is allowed by all the canonists and casuists that a general permission of superiors, joined with reasonable circumstances, is sufficient to abate the force of any canon, so far at least as to be a warrantable dispensation for not observing it.

These were the rules and these were the distinctions that I had laid down as a proper foundation to build upon in my succeeding discourses upon this subject. And how far they will answer this end, you will best judge by the application of them which I shall now begin to make to the canons themselves ; which I shall take in their order, as they lie sorted and disposed under several different heads or general titles. And this method will bring into examination all those canons, and clauses of canons, which relate to us or our office, though not brought under the peculiar title of ministers and their functions.

And, in the first division under the title of the church of England, I find only one passage that relates immediately to us as clergymen, and that is in the very first canon concerning the king’s supremacy in causes ecclesiastical. Where it is said that all persons having cure of souls, preachers and lecturers, shall declare four times in the year in their sermons, “ that all usurped and foreign power

“ is for just causes taken away and abolished, and  
“ that the king of these realms is the highest power  
“ under God.” The same was in the Injunctions of  
Henry VIII, Edward VI, and queen Elizabeth, and  
was still more particularly insisted upon afterwards  
in the canons of 1640, by which it was decreed and  
ordained, “ That every preacher, upon some Sunday  
“ every quarter, should read certain explanations of  
“ the regal power,” inserted at length in the body  
of the canon.

And indeed there was great reason, in those early times after the reformation, to inculcate the ecclesiastical jurisdiction of the crown in opposition to all foreign authority, and to keep the commonalty mindful of this till all notions of the pope’s supremacy were rooted out. And, though this seems to have been pretty well effected within the first century after the reformation, yet we are to remember that there were other occasions given by the Puritans to insist strongly upon the king’s authority in matters of religion. For which reason it should seem that the canons of 1640 abovementioned have carried the regale to a remarkable height, beyond what had been done in any constitutions before. But now there having passed almost another century under the sufficient establishment of the royal supremacy, and all notions of foreign jurisdiction being laid aside, and the oath of supremacy being such a standing bar against the readmittance of any such claims, that they are not likely to get any footing in these kingdoms again ; I say, upon all these accounts, there seems no longer occasion for preachers to handle this doctrine in the pulpit ; at least not so frequently as the canon di-

rects. And therefore (that I may now apply my rules of dispensation to this point) since our ordinaries do not make this any matter of their inquiry at their visitations, nor enforce the execution of this canon by any orders to revive a practice now long interrupted ; nay, as the crown itself, which is principally interested in this article, hath never thought fit, among the many injunctions given from the throne, to enjoin the strict observance of this canon to the preaching clergy : I say, putting all these things together, we have an excuse to make if we be questioned upon this particular, from the third class of dispensations ; viz. that we apprehend we are not tied up to any rule after universal disuse hath given us a general relaxation. That many of the ancient canons of the church, which were formed upon particular and special occasions, have, upon the reasons of them ceasing, fallen into desuetude, and the observance of them at no hand expected from us ; it being always presumed, that, where there is no admonition by superiors, but an avowed tacit connivance, there is a consent implied towards laying aside the obligation. Which plea on our behalf is most reasonable and just, when we can further say that we still do something to answer the end of the canon, as far as is now requisite, some other way.

And this I apprehend we do sufficiently by recognising the king's titles and ecclesiastical prerogatives in our exhortations before our sermons, according to the fifty-fifth canon. The constant observance of which makes all the necessary amends for our customary non-observance of this.

And it is worthy our remarking here, that in his

late majesty's directions to the bishops in the year 1714, these two canons are put upon a different footing of obligation.

For in the 4th article of those directions where the clergy are prohibited from intermeddling in their sermons in any affair of state or government, or constitutions of the realm, although there is a proviso, that "Nothing in this direction shall be "understood to discharge any person from preaching in defence of the regal supremacy, as often "and in such manner as the first canon of the "church doth require;" yet you may observe that this is put in only to save the appearance of abrogating or contradicting that clause in the first canon: that here is no new enforcement of it, no command to execute it punctually and literally, but only a reservation made of the liberty that the clergy have of acting pursuant to it whenever they please.

But now in the sixth article of those directions that follows, concerning the fifty-fifth canon, the clergy are required in their prayers before sermon, that they keep strictly "to the form in the said "canon contained, or to the full effect thereof;" which is a plain declaration of our supreme head, whom this article most nearly concerns, that the neglect of the fifty-fifth canon is not to be tolerated; and at the same time a tacit intimation that the disuse of the other may. The intention, in the one case, is to reinforce a canon, by a new charge to observe it; in the other, not directly to evacuate a canon, by giving an express discharge from it. The inference that I would draw from this difference is only this, that one of these canons we may observe, but the other we must; the one will admit of a

dispensation from customary disuse, but the other will not.

I see nothing more under the first general title that comes under our present consideration. But the second title, of Divine Service and the Administration of the Sacraments, will furnish us with several points to be examined.

The fourteenth canon, which is the second of this class, enjoins “the prescript form of divine service “to be used on Sundays and holydays.” And the charge of using this lies upon all ministers “without “either diminishing, or adding any thing in the matter or form thereof,” for so the canon enjoins.

But now there is no doing this in the precise sense and intention of the compilers. For the service-book, or “prescript form” to which they referred, was that which was published with amendments by king James I, immediately after the Hampton-Court conference, and immediately before the publication of these canons: and which continued in use till it was quite put down in the great rebellion. And it was a question even then when these canons were made, whether that form of Common Prayer to which they referred, as it was only authorized by the king’s mandate, was of competent and sufficient authority, to supersede and exclude the “prescript form” established by act of parliament in queen Elizabeth’s reign. For this was disputed not only by the Puritans of those days, but afterwards by some of the greatest ritualists.

But now this doubt and question, as well as the service-books which were the subject of it, being at an end, by the revisal of the Liturgy at the restoration, and the parliamentary establishment of “that

“ revised form” for divine service for the future, our obedience to this canon can stand upon no other bottom, and is capable of no other interpretation, than this ; that we do answer the general design and intention of it by conforming ourselves to the “ pre-“ script form” now in use. And for our not fulfilling it in the letter, or according to its special intention, we allege an authority from the legislature to justify us according to the first class of dispensations ; which is the fullest authority we can at any time plead.

The like may be said of the next canon, viz. the fifteenth, which requires “ the Litany to be read on “ Wednesdays and Fridays.” We cannot perform this office agreeably both to the old service-book of king James, and our present restored Liturgy. For according to the former it is to be a distinct office, and to be used by itself ; and, what is more, it hath those very collects annexed to it, which by our present Common Prayer Book are forbidden to be used at the same time when the Litany is. There is no compounding these differences, or reconciling these contrarieties. But, when canon and rubric interfere with each other, we know which of them must take place. The rubric is the standing rule to which we must conform ourselves. But nevertheless in so doing we answer the general intent and purport of the canons ; and that, in these cases, amply fulfils our obligations to them.

For this reason I shall totally omit the particular consideration of the twentieth<sup>a</sup>, twenty-first, and

<sup>a</sup> The rubric upon the same point is fuller and clearer than the canon. For whereas it is only said in the latter, that the churchwardens of every parish, against the time of every com-

twenty-second canons, which are transferred into the rubric.

I should for the same reason pass by the twenty-sixth likewise, concerning the repelling notorious offenders from the communion, about which there is also a rubric which I have formerly considered, were it not that there is a clause in that canon which doth not interfere with, or come under, the consideration of the rubric. And where rubric doth not contradict canon, or cannot be judged explanatory of it, I presume it doth not supersede it. And this is the case of the clause in the twenty-sixth canon, concerning the “withholding of church-war-“dens and sidemen from the communion, for wil-“fully neglecting or refusing to present notorious“ offences committed within their parish.” No doubt the design of this was very good, to represent to churchwardens, in the strongest light, the guilt and bad consequences of their not discharging this part of their duty faithfully and conscientiously.

But I fear the injunction, considered as an act of

munion, shall, at the charge of the parish, provide a sufficient quantity of bread and wine, “with the advice and direction of “the minister;” the rubric has it, that the bread and wine for the communion shall be provided “by the curate and the “churchwardens at the charges of the parish.” But I fear neither canon nor rubric will prevail against custom and long usage, for the discharging any parish minister, who hath provided the bread and wine hitherto at his own cost, from that expense and burden: I mean for those three communions which he is bound to minister every year; that of Easter being one, and for which he is supposed to be entitled to some of his Easter offerings or reckonings. We are told that this order, both in canon and rubric, is not to be understood to extend to any places where the provision of bread and wine was already settled by custom; which supposes composition.

discipline to be performed by the minister, is almost impracticable. For as the canon is worded (and probably so worded on purpose to prevent any misuse of such authority vested in the minister) he is only to exclude from the communion such “as have “wittingly and willingly, desperately and irreli-“giously, incurred the crime of perjury, by not “presenting what themselves knew to be committed, “or was notoriously offensive to the congregation, “although they were urged by their neighbours, “or by their minister, or by their ordinary himself, “to discharge their consciences.” And the minister must not only know this, but he must be able to make it appear to others too, before he can safely repel them upon this score. For there is another canon which provides, that, after their presentments are exhibited, they shall not be any further troubled for the same, “except upon manifest and “evident proof it may appear that they did will-“ingly and wittingly omit to present such public “crime or crimes as they knew to be committed.” In which cases of wilful omission, “the ordinary “shall proceed against them in such sort as in cases “of wilful perjury in a court ecclesiastical it is al-“ready by law provided.” These are the very words of the 117th canon. So that it should rather seem as if the proceedings of the ordinary against such delinquents ought to precede their exclusion from the sacrament; which would make the minister’s province a very clear case.

But, if this is not allowed, you will find, upon comparing these two canons, that the restraints and reserves under which the minister is enjoined to perform this special act of discipline, are such as

scarce leave him room to know when he acts within or beyond his commission. He can hardly ever be sure, much less be able to prove, that the neglects of his churchwardens, in not presenting, come up to the exaggerating terms by which they are described. And, if they fall short of them, he hath no power, by virtue of the canon, to withhold them from communion.

We need not therefore I think look out for any other dispensation in this case, than the customary disuse of this discipline, owing to the caution and prudence of the clergy.

By the next canon, viz. twenty-seven, the sacrament is to be withheld from “schismatics and de-“ pravers of the Common Prayer, the Articles of Re-“ ligion, and the king’s ecclesiastical supremacy.” These offences are not mentioned in the rubric, yet so great a stress is laid upon them here, that nothing less than suspension is threatened to the minister who complies not with this direction.

That there were good reasons for this strictness, when the canons were drawn up, we will make no dispute. But whether there be any now, or how we stand bound by this constitution at this present day, deserves our inquiry.

In the first place, the test act hath superseded the obligation of this canon in all cases where the sacrament is received for a qualification: so that even an avowed schismatic, offering himself under shelter of this act is sufficiently screened from the censure of the canon.

And, secondly, the act of toleration, allowing to all schismatics the use of the sacraments in their own way, not only leaves them under no temptation

of occasional conformity, (save in cases of qualifications,) but exempts them from all trouble and prosecution in the ecclesiastical courts, to which their repulsion from the communion is in effect or by consequence a leading step.

And, thirdly, what is still more material, it doth not yet appear whether the canon directeth any to be excluded as schismatics, but such as are declared so by some lawful and judicial sentence. For, though by the canons under the first title, schismatics be excommunicated *ipso facto*, yet as this excommunication has no effect at common law, without a declaratory sentence pronounced by an ecclesiastical judge, so say the civilians, the censure of the canon in excluding them from the communion is not to have effect till they be after legal process excommunicated. Which opinion was given upon a very extraordinary occasion, viz. in the case of the famous Richard Baxter in the last century; than whom scarce any nonconformist in the kingdom was more obnoxious upon the footing of the *ipso facto* excommunications; and yet he often communicated with the church of England, and was permitted so to do, upon this single distinction, that, “not being legally declared excommunicate, he could “not canonically be repelled from the sacrament.”

The same distinction, as I take it, holds equally good with respect to the “impugners of the Thirty-“ nine Articles, and the king’s sovereign authority “in causes ecclesiastical.” They are laid under this censure here as being excommunicated *ipso facto* in the canons under the first title; but, till a sentence hath passed upon them, this discipline of repelling will not reach them.

As to what is said in the twenty-eighth canon, “ of strangers not to be admitted to the communion,” and “ of remitting them home to their own parishes,” it seemeth now to have no longer any force in it, from the constant and universal custom of mixed communions: where none by the practice of our church, and allowance of our governors, are so much as questioned, if there be no notorious or apparent reason to refuse their communion with us.

If indeed any of them should “ refuse to kneel at the sacrament,” or to “ be present at the public prayers,” the canons are so expressly against their admittance as not to be overruled. But if they reverently and decently comply with the usage of the established church, and give no reason to apprehend they are acted by any other motives than the desire of performing a religious service, there seems no reason to refuse them. And, whatever obligation there might have been from the canon heretofore to do so, it hath now ceased by a general consent on all sides.

In a word, let it be remembered of all these kind of persons which are forbid the communion, by the three canons that I have been now speaking to, that as none of them are now inquired after, or presented as delinquents; that as we have no instance of suspension, or even of admonition, of ministers by their superiors for admitting them; that there yet remains great doubt in some of these cases what shall be judged acting in conformity to the canon, and what not; that the cognisance of some of these offences ought not to be left wholly to the private judgment of the officiating minister; and that he

can hardly be safe and secure in what he doth, if he be bound to make proof of them in a court of judicature; I say, for these reasons it hath been thought proper to let these canons lie dormant, till some just occasion shall arise to move our governors to revive them, and reinforce the execution of them.

And therefore in the mean time we plead a general tacit dispensation for our not acting according to the letter of them.

There is but one canon more remaining under this title, viz. the twenty-ninth, which prohibits any “ to be admitted sponsors at baptism who have not “ themselves received the Lord’s Supper.” A canon which I think allows of no dispensation; and which is supported by so just and evident a reason, that I hope we are all careful to execute it to the best of our knowledge.

If God give us another opportunity of meeting together, I shall proceed to examine in like manner the other canons that follow.

## VISITATION CHARGE ANNO 1741.

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### DISCOURSE VII.

#### *Upon Titles and Testimonials.*

REVEREND BRETHREN,

THOUGH it is now two years <sup>a</sup> since I called you together, yet I presume you have not forgot the subject I undertook to handle, as opportunity should serve, upon these occasions : viz. how far the parochial clergy are bound to observe the canons according to the letter of them, and how far they may justly plead a dispensation in some cases for not doing so.

I went through the two first titles in my last discourse, and proceed now to the third, “ concerning ministers, their ordination, function, and charge.” And, as every thing almost that relates to us in the canons is thrown under this title, it will take up much more time and consideration than the former did ; especially if examined with some degree of accuracy, and application to the old constitutions and ecclesiastical history of this nation.

Indeed, of the five first canons of this class which are about ordination, there are three in which we have no concern at all as parish ministers <sup>b</sup>. And

<sup>a</sup> The bishop of Durham visited in 1740.

<sup>b</sup> Can. 31, entitled, Four solemn times appointed for the making of ministers ; and 32d, None to be made deacon and

it is no part of my design to meddle with any of those canons which relate wholly to ecclesiastics in other capacities ; as these three do, viz. to bishops, their archdeacons, and such of their chapters as are to be assistant to them in the examination and ordination of ministers. But in the other two, that is, in the thirty-third and thirty-fourth canons, the one respecting “the titles,” the other “the qualities” of such as are to be ordained, we have not only some concern, but indeed a very great one. Forasmuch as two very material points rest entirely upon the veracity and honour of the parochial clergy. The presumption of whose integrity and ingenuous dealing, in giving titles and testimonials for orders, is the foundation of their being concerned in the granting of either, and the bishop’s authority for accepting and relying upon both. And therefore it is no wonder we see these two points singled out and reinforced by the king’s Injunctions in 1694, as things that deserve a more especial attention.

These therefore shall be my present subject. And I shall speak to them distinctly.

As to titles, those that are to be given by the beneficed clergy come under that description of a title in the thirty-third canon which we have in these words : “ A true and undoubted certificate, that the “ person, offering himself for orders, is provided of “ some church within the diocese where he may at- “ tend the cure of souls.” The older constitutions since the reformation <sup>c</sup> have it *certum, verum, et indubitatum certificatorium.*

priest both in one day ; and 35th, Examination of such as are to be made ministers.

<sup>c</sup> *Articuli pro Clero, 1584* ; and the Constitutions of 1597.

Now to make any question whether we are bound to observe this canon according to the letter, if we are bound by it at all, seems to me like making a question whether we are bound to act honestly and uprightly. And were it not specified in the royal Injunctions above mentioned, that care should be taken these titles be always *real*, to prevent what we have all heard of to be sure, under the name of *sham* titles, I should hardly have troubled you with the mention of this particular: judging it, as I well might, too great an adventure for any of us to think of, to lift a man into the sacred offices by a mere figment, or for favour or friendship's sake impose upon our diocesan by an untrue certificate.

But it may be said, and it may possibly sometimes be the case, what if the bishop be previously acquainted that such title to be given is not real, and yet doth for special reasons think fit to allow and accept it only as a title in form? No doubt the case then is very much altered. It is altogether so in one respect, that the bishop is not deceived, and cannot be disappointed in giving credit to what deserves none. But how far the case is altered in other respects is not so easily said, unless one knew those special reasons which induce the bishop to this private tacit dispensation. If he does not design thereby to discharge himself from the obligation he lies under, by this canon, to provide for every person he ordains without ascertaining a real maintenance<sup>d</sup>, I can see no end that such a mock

<sup>d</sup> The words of the canon are, "If any bishop shall admit any person into the ministry that hath none of these titles as is aforesaid," (of which the true and undoubted certificate from a beneficed clergyman is one,) "then he shall keep and

certificate can answer. For he might as well to the full ordain without any title, as with this which is properly none, being in this view a mere husk of a title, or the shadow of it without the substance, of no weight or significancy. But, if on the other hand the bishop, knowing it not real, should take it nevertheless in form as his own indemnity or security, then it may prove not altogether so sham a thing as the giver of it may imagine. For it may be realized whenever there shall be occasion for so doing<sup>e</sup>; and it will pass in all the courts where it can be pleaded, if it comes there, as having been tendered and received for “a true and undoubted “certificate,” such as the canons require; and will be as binding upon the man that gave it in all respects, as if it had been originally real, and unfeigned.

The sum of what I would say is this: no certificate of this kind, but what is given *bona fide*, can be the certificate required in this canon. But where-

“ maintain him with all things necessary till he do prefer him “ to some ecclesiastical living.” This is the common law of the church, of which this canon is only an assurance. And not only a bishop, but even his executors have been called upon to allow a maintenance to such as he hath ordained without any title. Cod. p. 162. Now, when a beneficed man gives the certificate aforesaid which makes the title, he is supposed thereby to charge himself with the maintenance of the person to be ordained upon it: and therefore, generally speaking, the maintenance is fixed and specified in the said certificate, in order to make it a canonical title, and put it upon the same footing with the other titles here mentioned.

<sup>e</sup> That persons *entitling* may be, and have been, called upon to provide for a clerk ordained upon their title when he hath wanted a maintenance; see cod. p. 162; and Dr. Grey's Abridgment, p. 44.

as the bishop may ordain without a title, submitting to the condition consequent upon his doing so, he may likewise dispense as he pleases with the certificate either in whole or in part, in matter or in form. Only be it remembered, that, if it be in true form, it will have the true effect, to save one party harmless, and to bind the other as a security. And, therefore, though it cannot be said of these mere formal titles, (for I would distinguish them by that name from those false ones, which are at the same time impositions upon the ordinary,) though it cannot be said of these we are now speaking of, that a clergyman acts dishonestly, or even unfairly, in giving them, yet it is another question whether he acts discreetly in doing so, for the reasons above suggested.

I shall add no more upon this head, but proceed to the other point in the thirty-fourth canon, concerning “letters testimonial,” which is of much greater consequence. For a sham testimonial of life and manners doth not only deceive the bishop, in a point of the nicest concernment, both with regard to his office and his reputation ; but does an injury to the church itself, and affects the interests and credit of the ministry at large. Here is no room to suggest the bishop’s privity or connivance ; or, could even that be supposed, it would no ways avail by way of excuse. And, therefore, to attest worthy characters of unworthy persons, in order to bring them into a situation where they may expose themselves and their function, do public mischief, and give open scandal, is destitute of any justifiable pretence ; and I wish I could add it were equally destitute of any precedent.

I must acknowledge that human respects and solicitations of acquaintance, and other mere social regards, are great temptations with people of kind dispositions to too easy a compliance in granting this favour; and such persons may be sometimes drawn in to the signing of testimonials, when their judgment doth not concur with their good nature. I am loth to blame any friendly or neighbourly qualities, yet sometimes they do deserve blame, as in this case in particular; where they are the occasions of a mischief which much better qualities cannot repair, or make sufficient amends for.

I do not mean, my brethren, to charge any of you with this misconduct in what I now say. Or if there have been heretofore any complaints of unwariness or precipitation in the signing of testimonials, within this archdeaconry, I am verily persuaded there has been no ill intention, or sinister motive, accompanying such act. But as I hope you will always permit me to offer such friendly advice as I am capable of giving, and allow it a patient hearing, even when you may think it, in great measure, unnecessary; so I would now, by your leave, enlarge a little upon this head, by shewing both what it is this canon must be understood to require, and also of how great moment it is to observe it with a more than ordinary strictness and care.

It is commonly thought if a testimonial be signed by three clergymen, especially if they be beneficed men, it is sufficient. And it is so, on the bishop's presumption, that the ends of the canon are thereby fully answered. But the canon is not thus worded. The attestation directed there is to be made by three or four grave ministers; and I know not what that

epithet means in this place, unless it be to distinguish and denote such men as are proof against light and unseasonable compliances, too discreet to give testimonials without sufficient assurance of what they sign, and too honest to prevaricate in the least in an act of so solemn a nature.

I call it solemn, not only from the effects and consequences of such certificates, but from the method of giving them required by the canon, which is under their seals. A circumstance, which though not always insisted on, yet shews the weight that the canon lays upon the bearing testimony for sacred orders under the strictest formalities.

You will see in the *Articuli pro Clero in 1584*, and again in the Constitutions of 1597, that all letters testimonial, except such as were granted by the universities, were to pass under the seal *alicujus justitiarii ad pacem dominæ reginæ assignati, una cum subscriptione et testimonio aliorum proborum et fide dignorum hominum ejusdem parœciæ, &c.* Here the clergy had no hand in these certificates. But by the present canons the validity of the testimony, which before rested in the justices of the peace, is now made to rest upon “the clergy, together with the subscriptions of other credible persons.” And, as a further mark of the trust reposed in them alone, the lay-subscriptions appointed by the canon are hardly ever insisted upon; but three or four beneficed clergymen give a testimonial its whole weight and strength. So that it hath all the value and effect from passing through their hands only, that a whole college in the university can give to a testimonial of one of their own members.

Now I would recommend it to any one, who is about to charge himself with bearing this testimony, not to forget what kind of men he voluntarily takes upon him to personate; not merely men in orders, or men legally possessed of benefices, but such as in the former Constitutions are dignified and characterised by the following words, *prudentes, graves, pii, probi, fide digni, et episcopo noti*: all which, except perhaps the last, are, in our present canon, summed up in one word, *grave*; which therefore, in this place, carries no ordinary acceptation.

And pray what could induce the convocation to take this trust out of the hands of the king's justices, and place it in those of the ministers; or what could satisfy the bishops in generally waving the lay-subscriptions, but a belief or persuasion that the clergy would act with more care, concern, and attention in this matter, would be more fearful of imposing upon the ordinary, more cautious in admitting men of suspected characters into the church, and every way more circumspect and more delicate in the execution of this trust, than other persons could ordinarily be supposed to be? For, bating these presumptions, I cannot conceive why a testimonial of life and good manners from lay-hands should not be, to the full, as authentic and sufficient.

And now you have the whole force of what I would represent upon this head, as incumbent upon us by virtue of this constitution.

Indeed, by some later rules, a much greater strictness hath been enjoined in this matter, than the canon itself doth seem to require. Among the king's Injunctions in 1694, the fifth runs in these words: "That the part of the thirty-fourth canon,

“ which relates to the giving of certificates concerning the lives and manners of those who are to be ordained, be strictly looked to; and that the bishops lay it on the consciences of the clergy, that they sign no certificates, unless, upon their own knowledge, they judge the persons to be duly qualified.” This is pretty strong; but yet the rule grounded upon it is still stronger, as you will see in archbishop Wake’s Provincial Letter, 1716: “ That no testimonials be admitted on any occasion whatsoever, unless it be therein expressed for what particular end and design they are granted, nor unless it be declared by those who shall sign them, that they have personally known the life and behaviour of the person for the time by them certified, and do believe in their conscience, that he is qualified for that order, office, or employment, to which he desires to be admitted.” And, as if even this was not sufficient, there hath been commonly added (I know not by what authority) that such person is also well affected to his majesty and to the present constitution both in church and state.

But now as these are not properly explanations of the canon, but rather superstructures upon it, they are not within my present question. However, I cannot help making two or three reflections upon them.

First, of what great importance the governors of our church have thought it to have this business of testimonials religiously attended to.

Secondly, that there have been just grounds of complaint or suspicion, that it hath been too lightly and superficially regarded by the clergy.

These points I the rather mention, to justify my giving you in charge what I now do.

Thirdly, that these rules being given *ex abundanti*, or as improvements upon what the canon requires, are a convincing proof that there is no room for any sort of dispensation for not doing what the canon obliges us to.

But then, fourthly, I will not say whether the bishops may not, and ought not, in some cases to dispense with our non-compliance with these new rules in the rigorous construction and extent of them. To give it under my hand, that “I do believe in my conscience that such a person is qualified for the order” he proposes to take upon him, and “also for the cure and trust” to which he is appointed, is a very comprehensive declaration, if expounded at large; and fitter rather to be made by the clergy who are assistants to the bishop, in the examination of the candidates, than for one who certifies only for an apparent good life and conversation. Therefore I apprehend the word *qualified* ought to be limited to, and understood only of, the subject-matter of the testimonial, which is a person’s moral behaviour; and that all the other senses of *qualified* are dispensed with, provided he that certifies doth not know of, or hath not reason to suspect, any disqualifying objections that lie against him.

Then again, as “to personally knowing his life and behaviour for the time certified,” it is a phrase of such doubtful and indeterminate latitude, that I am not so clear as I could wish to be, how it ought to be interpreted. I may not have the same thoughts about the extent and certainty of this knowledge

that my ordinary hath. I may come short of his meaning, or he may mistake mine.

The canon speaks, indeed, of “knowing the life “and behaviour” of a man, but doth not specify the means by which such knowledge must be attained.

I observe in the Preface to the Office of Ordination, that the bishop is allowed “to know” any person to be “of virtuous conversation, and without “crime, either by himself,” that is, personally, “or “by sufficient testimony;” and may ordain him upon a belief grounded solely upon testimony. Indeed there is great reason it should be so. Because it is almost incredible a bishop should have personal knowledge of a man’s immoralities, or be a competent judge, purely from his own observation, that any person stands clear of them. But this reason has also some place with respect to the personal knowledge of the clergy. I imagine they are better judges of a man’s moral character by report or inquiry among their neighbours, than by what they can be supposed to observe in their own persons. For any material defects in a man’s conduct are not so likely to fall directly under their cognizance; though at the same time, in this censorious world, they can hardly escape their ears. And therefore I should esteem this latter way of coming at the knowledge of what they certify to be oftentimes preferable to, but at all times equipollent with, the former. And though it is highly proper and fitting, that they should have some personal knowledge too of the man whose conversation they attest, to confirm and correspond with what they take upon report; yet it seems no more necessary that their acquaintance should be intimate and familiar, or

that they should be ocular witnesses of what they certify to render them competent ones, than that their testimonial should be infallible, in order to render it unexceptionable.

But do not take this in any sense as a release, or even a discouragement, from signing certificates for such as want them and deserve them. It is true we are under no legal obligation to give them, for it is a voluntary act. But yet the claim upon us is sometimes so strong, as to become a debt which we cannot with reason and justice refuse to discharge. Nor is it a good plea to allege, that as we may be deceived in our opinion of any candidate, and so become unwittingly instrumental to the admission of a bad man into sacred orders, therefore it is better totally to decline all recommendations. This inference is not justly drawn ; for by the same rule we must also exclude the likeliest means of getting good men admitted into the ministry. Testimonials must be had, and from those too who can best give them.

Now though you cannot certify for a stranger, because it must always be presumed that what you attest comes some way within the compass of your knowledge ; neither can you certify for one that you are apprised hath any stain upon his character ; because you cannot do it without a secret reservation or concealment of what, if known, would taint and spoil your testimony ; (and in such case you will abundantly favour the person that asks your hand, by being quite passive and neuter in the matter;) yet if your situation and acquaintances give you an opportunity of knowing, either by observation, or report from such as you do usually give credit to,

that a man's conversation is in the main irreproachable; that he hath lived peaceably, soberly, and modestly in your neighbourhood, without any untoward surmises that might render him obnoxious to the bishop; or which, if proved true, would be a bar to his admission into orders; I say, in this case, you may not only very honestly and very safely, but you are bound to give him your suffrage, and to bear witness in his favour.

And this is all in my apprehension that is required in the canonical testimonial *de vita laudabili, et morum integritate*, as the Latin canon runs; or, as it is defined in the thirty-ninth canon, *de morum honestate vitaque probabili congruum testimonium*. And not that it is meant in either place that a person's conversation be so unblamable, as to be without any apparent effect of human weakness or passion; or his character so unsullied and unblemished, as to carry no tincture of indiscretion. No: testimonials are to be taken and understood as men themselves are, with just and proper allowances; and even under this view they are no slight or trivial recommendations; especially when they have retrospect to three years past, as it is required they should. He that can sustain a good report for that time among grave and serious persons, with or near whom he hath lived, does both very well deserve to have it given, and to be well esteemed for it, when it is given. And such a one is not to be disappointed, upon unnecessary scruples, of his necessary credentials.

As to the particular forms of certifying, let every one judge for himself in the use of them. Fair and ingenuous dealing will always prescribe its own

form best. Which, though it may not be, in some cases, *de meliore nota*, though it may not carry the weight and authority of the prescript form above-mentioned; yet, if it will answer the plain end and design of the canon, I am much mistaken if it will not also satisfy the ordinary; who will but think it reasonable to suffer a testimonial to be let down to the level of the canon, when it cannot with justice, or without straining, be made to rise higher.

And, lastly, I am persuaded that if the rules I have been offering for the full discharge of the trust reposed in us by the canons, were but duly kept to; neither would any person who deserves a good testimonial be at any difficulty in procuring one; neither would the bishops ever be deceived, or deprived of that sufficient testimony, upon which both by the canons and the rubric, and in good conscience, they may confer holy orders.

I have now run my usual length, and so with my best wishes I dismiss you.

## VISITATION CHARGE ANNO 1742.

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### DISCOURSE VIII.

*Upon the ex animo subscription, and the oath against simony.*

REVEREND BRETHREN,

IN the five first canons of the third title, relating to the ordination of ministers, I found only two points that concerned the parochial clergy, viz. “Titles and testimonials for orders,” which were the subject of my last charge. And, proceeding now to the next five canons under the same title, I likewise find only two points that fall within the compass of my scheme: one of them in the thirty-sixth canon, which requires our “subscription to the three “articles” therein specified, and the other in the fortieth, which enjoins “the oath against simony.”

There is, I think, no doubt but this subscription must be made, and this oath taken, according to the letter. And as neither of them are, or can be, dispensed with, being always certified by the ordinary as done and performed, in every instrument of collation and institution that he grants; and as both the subscription and the oath and the certificates are to be repeated *toties quoties* upon every admission of the same person to any new benefice; I say for these reasons it might have been sufficient to declare in general our indispensable obligation to

adhere to the strict literal sense of these canons, had it not so happened, that there is room for some little diversity in the interpretation of the letter, with respect to the words *ex animo* in the subscription, and the term *simoniacial* in the oath. Had a little difference of sentiment in the use of words been found in any other part of the canons, it had not been so material ; but as it happens here in the very form of a subscription and of an oath, (which are very tender and delicate things,) it will well deserve some attention and examination.

And first as to the *ex animo* subscription. The clause in the thirty-sixth canon, which introduceth the form of subscribing, begins with these remarkable words, that, “ for the avoiding of all ambienti “ guities,” such “ particular form shall be used, and “ none other.” And yet so it is, the retaining the phrase *ex animo*<sup>a</sup> in our English version of the canon, either is an argument that the translators were not clear how that expression should be rendered; or at least its being not translated, as it seems capable of two senses, leaves a doubt how it is to be precisely understood.

I am well aware that the subscription, since the late act requiring all legal forms whatsoever to run in the English tongue, is not now made, as it was before that act, in Latin ; and that for the same reason likewise it is necessary to translate *ex animo* in the English form given by the canon by some such

■ “ I N. N. do willingly and *ex animo* subscribe to these three “ articles abovementioned, and to all things that are contained “ in them.”

“ Ego N. N. tribus his præfixis articulis, omnibusque in eisdem “ contentis, *lubens et ex animo subscribo.*”

word as the ordinary shall think it most proper to render it by; nor indeed can I tell you whether the ordinaries are all agreed in any one rendering or no.

But, however, this does not much affect our present inquiry. For the Latin canon is the same that it was. And most of us here present have subscribed in the Latin form before the change was made. And, were we to subscribe again, it must still be in the same sense, and in the same perfect consistency with the original Latin form<sup>b</sup>, in which *ex animo* yet stands, the subject of our present examination.

The learned bishop Burnet, in his Introduction to the Thirty-nine Articles<sup>c</sup>, makes use of this form of

<sup>b</sup> The English canons are however equally authentic, (as bishop Burnet observes of the English and Latin Articles, giving this reason, "that they were at the same time prepared in both "languages." End of his Pref. to his Exp.) From whence may be inferred, that, if any places in either be *less* clear and determinate, their sense is to be fixed by the *more* clear and determinate sense of the other: the same sense being evidently intended in both. See Dr. Waterland's answer to an argument in a like case that ran thus: "By an act in the 13th of Eliz. "subscription was required to the Thirty-nine Articles in En- "glish, and *not* in Latin: though the Latin articles *only* passed "in the year 1562. Whatever authentickness therefore the "Latin Articles may have, yet we are obliged to subscribe the "English Articles, and *only* them." [Case of Subscription to the Thirty-nine Articles considered, p. 7: Oxford edit. vol. ii. p. 345.] But, if we do not subscribe to the Latin as well as the English, in what sense do we subscribe to the Articles of 1562, which are the Articles the act specifies?—But see Dr. Waterland. [Supplement to the Case of Arian Subscription considered.]

<sup>c</sup> "The thirty-sixth canon," says he, "is express for the clergy, "requiring them to subscribe willingly and *ex animo*, and ac- "knowledge all and every article to be agreeable to the word

subscription as an argument, amongst others, that the clergy subscribe the Articles as their opinion, and not merely as terms of peace and communion; judging that they do thereby express their *ex animo* assent to, and belief of, every thing contained in them. But another expositor of the Articles, of no mean character, tells us in his Introduction<sup>d</sup>, that “he is not well satisfied” with this reason of the bishop’s: and though he does not deny that the clergy ought to give all that assent, which his lordship contends for, yet he objects against this way of proving it; alleging,

First, that this is not a subscription to the Thirty-nine Articles, but only to the three articles mentioned in the canon<sup>e</sup>.

Secondly, that the phrase itself, as it is here used, doth not carry the sense of opinion or belief. For although when it is joined to verbs, which are ex-

“ of God. Upon which canon it is that the form of the sub-  
“ scription runs in these words, which seem expressly to declare  
“ a man’s own opinion, and not a bare consent to an article of  
“ peace, or an engagement to silence and submission.” Introd.  
Burn. Exp. XXXIX. Art. p. 8. [p. 9, 10. Oxford edit. 1831.]

<sup>d</sup> Dr. William Nicholls, in that note where he undertakes to explain the meaning of subscription *ex animo*. Comm. on the sixteen first Articles, p. 4. fol.

He says this is proper to be explained, because “the misunderstanding of this expression [*ex animo*] in the subscription form, may occasion some unreasonable scruples in conscientious men, and keep some of the best men from entering into holy orders.” Ibid.

<sup>e</sup> “Which,” he says, “are not so much articles of *opinion* as of *consent*. And the subscription to them declares, not what “the subscriber *believes*, but what he readily *consents* to.” Ibid. These uses of the phrase he confirms by the best authorities.

pressive of the sense of the mind, as *ex animo loqui*<sup>f</sup>, it imports real belief and persuasion; yet when it is joined to verbs that are expressive only of the will or the affections of the heart, as *ex animo velle*<sup>g</sup>, *ex animo amare*<sup>h</sup>, and the like; or where it is used with verbs of action, as *ex animo facere*<sup>i</sup>; there it means no more than cheerfully or heartily. So that *lubens et ex animo subscribo*, in the form prescribed by the canon, means no more than this, “I do willingly and readily subscribe<sup>k</sup>.”

Thirdly, he observes that it cannot in any other sense, but this of *readily*, be applied to that part of the three articles which relates to conformity<sup>l</sup>. For when I subscribe, *ex animo*, to the use of the established Liturgy, I must mean that I do readily consent to conform myself to it, or to make it the rule of my practice. But I am not supposed, in that act of subscription, to deliver my particular judgment concerning any part of it, further than that I do so admit the whole as to resolve to be governed by it in all my ministrations.

Now, though I cannot but allow these distinctions

<sup>f</sup> *Equidem dicam ex animo quod sentio.* Tusc. Q. And so *ex animo credere.* Cic. ad Att. —— *Ibid.*

<sup>g</sup> *Tibi bene ex animo volo.* Terent. Heaut.

<sup>h</sup> *Ex animo commendare.* Cic. ad Att. —— *Ibid.*

<sup>i</sup> *Ille quem beneficio conjungis ex animo facit.* Ter. Adelph. —— *Ibid.*

<sup>k</sup> “So that by the same analogy,” says he, “the words *willingly* and *ex animo* being joined together, *ex animo* must, in this form of subscription, signify *readily*.” *Ibid.*

<sup>l</sup> “When the subscriber,” says he, “by the second article, promises that *he will use the Book of Common Prayer*, how can ‘he be said to subscribe to this as his opinion? He subscribes to this clause, *ex animo*, because he heartily consents to use ‘this book.’” *Ibid.*

to be just and right in the main, yet I much suspect, that they are not well applied in this place. Nor do I see any real difference they make in the conclusion, or the inference, that the bishop of Sarum draws from this subscription.

For first, though it be only a formal subscription to the three articles expressed in the canon, yet it is virtually a subscription to the thirty-nine. Forasmuch as one of these three imports “our allowance” and acknowledgment of all and every of the Thirty-nine Articles to be agreeable to the word of God.” So that whosoever subscribes to this “allowance and acknowledgment,” doth in effect protest his real belief, or his very persuasion, that they are so.

Pray what is the meaning of our subscription to the first of these three articles about the king’s supremacy, where it is neither said that we allow it or acknowledge it? Doth not the very act of subscribing nevertheless imply as much? And something more, viz. that we allow and acknowledge it upon a judgment, reasonably, as we think, and impartially formed? We shall make the subscription, I fear, a very evasive and jesuitical business, if we suppose it can be made without a well-grounded conviction of the truth of what is subscribed<sup>m</sup>.

And then, secondly, as to the phrase *ex animo*; though it may signify no more than *readily*, when applied to subscribing, considered merely as a volun-

<sup>m</sup> The church of England requires subscription not to *words*, but *things*.—Subscribers obliged to a serious belief of what they subscribe to, &c. See Case of Arian Subscription considered, p. 67. [Works, vol. ii. p. 335. Oxf. edit. 1823.] And the whole third chapter there, viz. that the sense of the compilers and imposers, when known, is to be religiously observed. Ibid. 11—14. [288—291.]

tary act, as the signing of a deed or instrument, subscribing to some charitable contribution, or the like; yet where it is considered as an expression and test of a man's sentiments and tenets, as it always is, when subscription is required to points of faith and doctrine, as a term of acceptance of trusts and privileges; there it is evidently declarative of the subscriber's opinion. And *ex animo*, as joined with *subscribere*, so far as they relate to the Thirty-nine Articles, are constructionally the same with<sup>n</sup>, or tantamount to, *ex animo comprobare et agnoscere*, &c. which are the words to which the subscription is made. And then the phrase cannot be mistaken; and such words, in our language, as are most expressive of a serious belief or conviction, as truly and sincerely allowing and acknowledging, will come more fully up to the meaning of the subscription, than the word *readily*, notwithstanding its literal correspondence with *willingly*, which goes just before it.

And then, thirdly, as to the last objection, that *ex animo* cannot be construed of opinion or persuasion, with respect to the promise of ministerial conformity; it is true, with regard to practice, it expresseth only readiness or resolution. But must it therefore be so limited, as to mean nothing more with respect to doctrines and speculative propositions? Why may it not have a twofold aspect, according to the respective subjects to which it is applied, and signify the sincerity of a subscriber's

<sup>n</sup> "In the case of the Articles, every subscriber declares, *ex animo*, that they are agreeable to the word of God. In consequence of this, I do not see how a man can subscribe them, who does not believe them, in every respect, true." Case of Subscription to XXXIX. Art. p. 45.

assent, with regard to doctrinal points; and the sincerity of his purpose, with regard to practical conformity? In short, *lubens* itself hath, in this place, the same double acceptation; and implies, so far as it relates to the doctrines, such a willing assent, as leaves no room to suspect difficulty, doubt, or hesitation, in the mind of the subscriber. And the same may be said of any other word, which hath been substituted in the place of *ex animo*, in the English subscription, since the late act of parliament to banish Latin phrases out of legal forms.

From these observations, therefore, I gather that neither hath bishop Burnet misrepresented the force and obligation of this subscription, neither are there any other ways to evade it, but what might equally serve to invalidate the other engagements we are under to declare our sentiments of the same matters, which are contained in these three articles.

I shall now proceed, in the next place, to consider the word *simoniacial*<sup>o</sup> in the fortieth canon; which, as I before observed, may seem to admit of some diversity of interpretation. And this arises chiefly from some distinctions, which have been made in common law since the statute against simony in the 31st Eliz. Whereby the term *simoniacial* becomes capable of being understood, either in a legal sense, as it respects only what is adjudged simony in the temporal courts by virtue of the said act; or in a canonical sense, as it respects what was called simony in the old ecclesiastical constitutions, or held for such in the notions of the catholic church.

<sup>o</sup> “ I N. N. do swear, that I have made no simoniacial payment, contract, or promise, directly or indirectly, by myself, or by any other, to my knowledge, or with my consent,” &c.

The present question therefore is, in which of these senses the oath is to be taken: or whether simoniacial contract shall be interpreted by the definitions of simony given by the canonists, or according to the present construction of the common lawyers.

It has been alleged for the former opinion, that the oath was before the statute<sup>p</sup>, and should not therefore be limited to it, but ought to be interpreted by the ecclesiastical law, as received here, and which is yet in force in all cases where it is not contrary to statute. That in this case the statute<sup>q</sup> hath not abrogated the ecclesiastical law about simony, but rather comes in aid and support of it, by annexing some particular penalties to some more flagrant acts of simony. That as in the statute the crime itself is neither defined, nor the bounds and nature of it determined<sup>r</sup>, we must have recourse for an interpretation to those laws and constitutions by which it is sufficiently set forth and characterised.

On the other side, we are told that the statute has defined what simony is<sup>s</sup>, and that the old ca-

<sup>p</sup> See Stillingfleet's Disc. of Bonds of Resig. p. 721.

<sup>q</sup> See ibid. p. 720, and Codex, p. 840. This act is not *private* of the jurisdiction of the church or its constitutions, but *accumulative*. Wake's Visitation Charge, p. 40.

<sup>r</sup> Stillingfleet's Disc. of Bonds of Resign. p. 720.

Simony, or simoniacial contract, not so much as mentioned in the statute. Ibid. p. 721. 718. He is charged by Nelson (Rights, p. 571.) for saying this; but he must only mean that, although simony be in the preamble to a clause in the statute, yet it is not in the enacting part. The same account is given by bishop Gibson, of a like assertion of Noy's, "that in the 31 Eliz. there is no word of simony." Cod. 839.

<sup>s</sup> Nelson (Rights, p. 571.) "admits the canon law to have

nonical notion of it is thereby superseded. That the judges, who are the expositors of our laws, have from time to time determined from this statute what contracts are simoniacial, and what not. And therefore the oath hath relation to the statute<sup>t</sup> and ought to be limited by it, and by those rules of judging about simoniacial contracts, which the interpreters of the temporal laws have followed.

There had been no place or handle for these suggestions with respect to the oath, if the form of it had been absolute, as I conceive it formerly was, against all payments, contracts, or promises whatsoever<sup>u</sup>. But as these payments, contracts, and

“ been the rule for determining simony before the making of  
 “ this statute; for it was then,” says he, “ a mere spiritual of-  
 “ fence, of which the common law took no notice in the ab-  
 “ stracted notion and sense of the word.” — “ But the word  
 “ *simony* is not only mentioned in the statute, but it is there  
 “ explained what is meant by it, viz. that it is ‘ a corruption in  
 “ presentations, collations, and donations, of and to benefices.’ ”

<sup>t</sup> And again, p. 579, having recited the oath against simony, he adds immediately,

“ The late bishop of Worcester was of opinion, that this oath  
 “ hath no relation to the statute 31 Eliz. because it was in  
 “ being before that act was made; and therefore, that a simo-  
 “ niacial contract ought to be interpreted by the ecclesiastical  
 “ law. This deserves no other answer than what he hath given  
 “ himself in another place, that, ‘ if the word *simony* had been  
 “ in the statute, the judges might interpret what it was. For  
 “ they are the expositors of our laws.’ And, since it is plainly  
 “ to be seen in that act, therefore the courts at Westminster  
 “ may determine what simony is, and what contracts will  
 “ amount to it.”

<sup>u</sup> The accounts of the oath given in our English Constitutions are as follow. Cod. 845. Ann. 1138.— “ *Juret se nihil propter  
 “ hoc, vel per se vel per aliquam aliam personam, deditisse alicui  
 “ vel promisisse.* ”

promises stand limited in the present form by the word *simoniacial*, and as the form is enjoined by a canon made since the aforesaid statute against simony, an opportunity is given to lay hold on the pretence above mentioned, that the payments, contracts, and promises, in the oath, need not be constructed of any but such as come within the 31 Eliz.

What I have to say upon this matter will lie in a little compass.

There is a rule laid down by the civilians for the interpretation of all words that are not of common usage, or vulgar cognizance, which is this, as given by Grotius<sup>a</sup>: *In artium vocabulis, quæ populus vix*

An. 1222. In the council of Oxford the oath is, “ Quod propter præsentationem illam nec *promiserit* nec *dederit* aliquid præsentanti, nec *aliquam* propter hoc *inierit pactionem*.”

An. 1236. In a Constitution of St. Edmund, “ Præsentantis et præsentati præcipimus *juramentum* quod nec *promissio* nec *pactio illicita* intervenerit.”

An. 1391. In Archbishop Courtney’s Decree, the oath prescribed is, “ Quod nec *dederunt* nec *promiserunt*, &c. nec *aliquem illicitum contractum factum* vel *promissum* sunt *sortiti*.”

To the same effect is the *forma juramenti ministrorum* in the *Reformatio Legum Edv. VI.* which is nearly the same with that in our present canon, save that the word *simoniacial* is not used therein.

From these observations bishop Gibson collects, that the present oath is “ against all promises whatsoever;” and that although a person comes not within the statute 31 Eliz. yet he becomes guilty of perjury, if he takes this oath “ after any promise of what kind soever.”

a *De Jure Belli, &c. lib. ii. c. 16. sect. 3.* He had before distinguished between “ *proprietas grammatica* verborum quæ ex origine, et quæ *popularis* ex usu.” But simony is neither to be understood in its original proper grammatical meaning, nor in any

*capit, adhibenda erit artis cuiusque prudentum definitio: ut quid sit majestas, quid parricidium, &c.*  
 Now simony is one of these technical words, or terms peculiar to some science or profession. And, if we inquire to which it properly belongs, it will claim its place among the ecclesiastical terms denoting spiritual offences; and will demand its interpretation from the canonists, or *juris-prudentes* in the spiritual courts, just as treason and burglary, being crimes of civil cognizance, must receive their forensic interpretation from the temporal judges, or *juris-prudentes* in Westminster-hall. Upon this footing the standing definitions of simony<sup>b</sup> given by the canonists are of better authority for its true acceptation in the oath, than any late occasional and partial descriptions of it made by induction from the wording of a particular statute law.

But whereas it is not denied but there is a fixed and determinate sense of it in the temporal courts, as well as in the spiritual, we must have recourse to another rule for ascertaining the sense of it in the oath. And that is a settled rule among the casuists, viz. "that oaths are always to be taken in the sense "of the imposers<sup>c</sup>." Which in this case is so well

fixed or known acceptation that it has in common language; and therefore must belong to the next rule given above.

<sup>b</sup> *Simonia est spiritualium vel spiritualibus annexorum, præcedente pacto promissionis, conditionis, modi, servitii, vel cuiuslibet temporalitatis, receptio seu donatio.* Joh. de Athor.

*Spiritualium et ecclesiasticarum functionum officiorum, promotionum, dignitatum, et beneficiorum nundinatio.* Can. 1603.

<sup>c</sup> *Perjuri sunt qui servatis verbis expectationem eorum quibus juratum est deceperunt.* *Augustinus, Ep. 224.*—*Istiusmodi juramenta regulariter intelligi debent in eo sensu quem probabiliter judicari potest fuisse ab eo, cui juretur intentum.*

known, that it will scarce admit of any doubt. For it is to be generally presumed that all they who administer the oath at present, do intend it in the same ecclesiastical sense which it hath always borne, unless they should declare otherwise, which they have never yet done. Or, if there should be any doubts about their sentiments, yet they may be easily known by the juror, if he pleases; and with such certainty too as to leave him under no difficulty as to their sense of the matter.

Let us try, for example, how the oath would run, if it was to be understood only of such simoniacial contracts, as are called so in the temporal courts. “I do swear that I have made no promise or contract whatsoever, in such manner or form as shall render me or my patron liable to the penalties and forfeitures of the statute, against simoniacial contracts, as that statute is now interpreted in the temporal courts.” This is the whole amount of the oath, if it be construed in the common law sense of simoniacial. And any person who hath given bond of resignation at pleasure or upon notice, without special averment that the bond was for simoniacial purposes, might lawfully and truly take the oath thus worded. But would this answer the canon, the design of which (as appears from the Latin title) is *avertere jurejurando suspicionem simoniæ*? or satisfy the ordinary, who is to certify *de juramento simoniacæ pravitatis nullatenus commissæ*; (I know not how they render this in institutions and collations nowadays;) I say, would it not

—Verba intelliguntur secundum mentem et intentionem ejus, cui fit juramentum, ait Jurisconsultus. Sanderson de Jur. Prom. Ob. Pr. 6. sect. 9.

appear to defeat the chief and original design of the oath, considered as an ecclesiastical security against all clandestine and dishonourable stipulations<sup>d</sup> whatsoever or howsoever made, which might either hurt the rights of the clergy<sup>e</sup>, or be any ways inconsistent with that freedom and disinterest, which ought always to be used in giving and taking church benefices?

There are what have been called, by way of distinction, conventional simonies and confidential simonies<sup>f</sup>, to which the oath extends, though the statute does not; and it seems one of the principal intentions of the oath to try, and detect, and prevent, by way of purgation, all those little private, evasive, and collusive ways of practising corruptly for presentations, which no law can remedy for want of legal proof.

Take the oath then in this light as absolute, and reaching to all illicit cases whatsoever, and operating the conscience in such points as are no ways affected by the statute, it will seem highly unreasonable to transfer the notion of simoniacal from the statute to the oath; and to expound the term

<sup>d</sup> Contracts have been judged simoniacal, “*quacunque factione, calliditate, promissione seu commoditate,*” &c. See Cod. p. 845. According to Canon Law.

<sup>e</sup> See Bishop Stillingfleet’s Disc. of Bonds of Resignation, p. 722.

<sup>f</sup> Mental simony, which is defined “*voluntas sive desiderium emendi vel vendendi spiritualia, vel spiritualibus adhærentia,*” reacheth not to the oath, and so is out of the present question. Still. *ibid.* 721. Nelson’s Rights, 571. But confidential simony is where a person, taking a benefice only in trust, enters into a bond of obligation to resign. See Still. *ibid.* 736; and Nelson’s Rights, p. 132.

where it stands (and is understood by the imposers of it to stand) general and unlimited, by a particular and restrained use of it adapted purely to the construction of a single penal law.

The mention I just now made of the oath, considered as a purgation, brings to mind a query put by the author of the *Compleat Incumbent*<sup>d</sup>, whether since the prohibition of the oath *ex officio*, and other purgation oaths in criminal matters by the statute 13 Car. II. c. 12, the oath against simony may or ought to be administered in any case.

And I must own the clause referred to in this act seems much stronger against the use of the oath itself, than any thing in the 31st of Eliz. is against the old acceptation of the word *simoniacial*. Dr. Watson is willing to solve the matter, by supposing that the legislature, in passing this clause, had no intention to abolish the oath required in this canon. The like has been observed, and has been pleaded, that the legislature in the 31st Eliz.<sup>e</sup> had no con-

<sup>g</sup> Having recited the oath at length, p. 108, he adds, “But, “as the law now stands, I conceive the ordinary ought not, “and may not, tender or administer the said or the like oath, “by reason that it hath been enacted,” &c. — After the clause in the act, he goes on, “and yet probably, although the words “of this statute seem to take away the use of the aforesaid “oath, its makers had no consideration of it in passing thereof; “therefore *quære*.” *Compleat Incumbent*, p. 109.

<sup>b</sup> “They who would allow nothing to be simony but what is “there forbidden, must first prove that it was the intention of “the law to limit and determine the nature of simony.” Still. Disc. upon Bonds of Resig. p. 718. and again 720.

“There is in this very statute a special saving to the ecclesiastical jurisdiction.” Gibson’s Cod. 840. “It leaves the “church all the authority it had before.” Wake’s Visitation Charge, p. 40.

sideration or design, in passing thereof, to deprive the church of its jurisdiction, or to change the idea of simony. These observations are of such equal weight, that I think the query may be indifferently put upon either case. But as the ordinaries have never yet slackened their hands in the tender of the oath, on account of the act prohibiting purgation oaths; which shews their sentiment that the oath against simony is not within that act; so neither doth it appear that they have departed from the ecclesiastical and received sense of simoniacial contract on account of the 31st Eliz.<sup>f</sup> And the clergy to whom it is tendered have just as good a plea not to take it at all, as not take it in the sense in which it is commonly understood by those who tender it. And if their sense be a good and safe rule to guide ourselves by, it will bring this point to an easy and speedy decision; which is, that simony, *quatenus vox Ecclesiastica*, (as even some of the judges in Westminster have called it<sup>g</sup>;) and as the subject of a canonical oath, must stand upon its old basis of canon law definitions.

I do not mean hereby that it should be extended, in the oath, to whatever hath been heretofore reputed simony by every rigorous interpreter of the canon law. So much use may be made of the insertion of the word *simoniacial* in the oath, that every promise or contract simply considered is not designed to be abjured, but only every species of *turpis*

<sup>f</sup> "So long as our superiors continue the same forms, which clearly express such a sense, they must be presumed to intend the same sense, till they declare otherwise," &c. Waterland's Case of Arian Subscription considered, p. 44. [p. 316. vol. ii. Oxford edit. 1823.]

<sup>g</sup> Nelson's Rights, p. 571.

*commercii<sup>h</sup>, et illicitæ pactionis.* For I imagine the oath may be safely taken by all those who cannot charge themselves with any sinister or corrupt intention, though they may enter into some stipulations and covenants, which are no where forbidden by any ecclesiastical constitutions received within this realm. Thus a promise to resign for the use of a minor, or any other person at present disqualified for a presentation<sup>i</sup>, or a promise to resign upon taking another benefice, or upon non-residence, can have no hurt in them; and though they be the means perhaps of procuring a benefice, or at least be a necessary condition of obtaining it, yet have no more of the simoniacal obliquity or pravity, than the promising to do one's duty would have, if it were insisted upon, by the patron from the clerk.

Whatever weight therefore some may have laid upon the idea of bargain and contract, even in unblamable stipulations, yet while men act with truth and honour, without infringement of any known laws, now in force within this realm, or without prejudice either to public or private interests, it is trifling to stick upon words and distinctions.

Indeed, where these promises that I have just now mentioned come to be engagements secured by pecuniary mulcts, as giving a bond<sup>k</sup> to resign for a

<sup>h</sup> Nelson's Rights, p. 570. Still. Disc. upon Bonds, &c.  
"Quilibet contractus ex turpi causa." Nelson, ibid. 571.

<sup>i</sup> Bishop Stillingfleet himself allows, upon putting the case of a minor, that "there may be a lawful trust:" p. 736. And, if no question is to be made of it in this case, neither should it be doubted in any other, where the trust is equally unexceptionable.

<sup>k</sup> Mr. Nelson, under the article of *bonds of resignation*, says,  
"The bishop of Worcester himself, who argues against the vali-

minor, or upon acceptance of another living, &c. the case then is not the same. The nature of the security is changed. It is no longer a trust, but a bargain. A covenant backed with a certain forfeiture argues a mistrust. A bond, be the condition of it never so lawful, cannot be given *sine pretii interventu*. For the plain English of it is, “Resign or “pay;” you shall quit, or you shall purchase. And this is the disjunctive that lies so heavy on the clerk; who, as he cannot be sure that his resignation shall be accepted by the ordinary, cannot in consequence be sure but his bond may be sued out against him<sup>1</sup>. He may design, but cannot warrant the discharge of

“duty of such bonds, allows that there may be a lawful trust in “such case for a minor; but, if the person enters into a bond “to resign, then he calls it *confidential simony*.” He adds, “I “wish he had told us that since there can be such a trust, what “legal obligation there could be to compel the performance of “it, when the minor comes of age. And how that trust shall be “executed, if the parson shall refuse to resign.” Whereas it is a lawful trust in this case, on this very account, that there is no legal but only conscientious obligation to resign. And, if the parson refuse, he breaks his word, and deceives his patron; and must answer to God for violating his faith.

<sup>1</sup> “A benefice with cure cannot be void by the sole act of one “party, by resignation, without the acceptance of the bishop; “because he is to give notice to the patron, that he may pre- “sent again. ‘But, if he refuses to accept it, then notwith- “standing the resignation the incumbent continues so still.’” Nelson’s Rights, p. 134. And it is for this reason given in ad- vice to bishops, in order to put a check upon the granting of such bonds of resignation as prove a scandal to the church, “that they would refuse to admit or accept any resignations, “(without which the incumbent cannot void the benefice in “that way,) but after the strictest inquiry and fullest satisfa- “tion concerning the motives and reason upon which they “were made.” Cod. 843.

his covenant, considered as a trust ; but he nevertheless binds himself fast to the discharge of it in that other way which necessarily carries the construction of simony, by subjecting himself to a pecuniary payment, which yet by the tenor of his oath he is bound never to satisfy.

I cannot say indeed where a bishop is privy and consenting to the grant of such bond, in some special case, as that of a minor, but the presentee's part is the less blamable. For the bishop's allowance (supposing such a case) not only implies that he will accept the resignation, when tendered, but is a reasonable security that his successor, for the same special reasons, will do so too. I say on this supposition I would not charge the presentee with any criminal usage of the oath : for both he in taking it, and the ordinary in administering it, agree in the same precise sense of simoniacial ; and all collusion, all corruption, is by both equally intended to be abjured. And I believe some who have been the most strenuous opposers of bonds of resignation, have been willing to admit of some exceptions under the restrictions I have been speaking of.

But wherever the bond is clandestine between patron and clerk, where it is studiously concealed from the ordinary, the oath will be very hard to be digested. And more especially in all cases of general bonds to resign upon due notice : for what is the reason that these are thus concealed, but only because they will not stand the ordinary's examination and censure ; nor the test of the oath, when he who is to tender it is previously apprised of the secret of the business ?

The sum of what I have been saying is this, that

however consistent it may be with the statute against simony to give bonds of resignation in some cases ; and however colourable the pretence be of interpreting simoniacal in the oath by its statutable construction ; yet, unless both “ the practice and the “ construction were generally allowed by those to “ whom the oath is taken,” they will not be sufficient to salve the juror. The presentee therefore must have regard to the ordinary’s meaning, as well as to his own ; and he has no more right to claim the ordinary’s concurrent sense of the oath to justify his own, than he has to command his acceptance of the resignation to save his forfeiture. And therefore he ought not to presume upon either of them arbitrarily. And where the fact is not explained, (as in the grant of general bonds, I fear, it never is,) the oath is always to be presumed to run in the canonical construction of simony. Therefore he who grants a bond upon one construction of what is or is not simony, and then takes an oath calculated upon another construction of what is or is not simony, does not only deceive his ordinary by an artful and fraudulent use of an ambiguous term, but he really prostitutes the solemnity and religion of an oath. And without inquiring whether his private contract with, or bond to, his patron be strictly simoniacal or not, yet I think he cannot escape the imputation of simoniacally<sup>m</sup> prevaricating with the ordinary ; that

<sup>m</sup> I mean the word here only as expressing a corrupt intention, and a disingenuous proceeding in order to get possession of a benefice. Dr. Waterland has put the same thing in a strong light with respect to subscriptions :—“ To change propositions,” says he, “ while we are plighting our faith to them, for others, is manifestly a breach of covenant, and prevaricating

is to say, there is iniquity in such a case in taking the oath, whether there was any in making the bargain or no. And I believe even the common lawyers who will defend the one, will highly blame the other<sup>n</sup>.

It doth not fall within the compass of my design to consider the case of bonds of resignation in any other light than with respect to the oath enjoined in the fortieth canon. Otherwise much might be said of their evil tendency and hurtful consequences<sup>o</sup>, as they are means of betraying the legal rights of the clergy, and altering the nature of the tenure of church benefices. But I shall remit you for these points to bishop Gibson's notes in the chapter of his Codex entitled *Simoniacial Presentation*, and to a discourse professedly wrote upon the subject of resignation bonds by bishop Stillingfleet. And if you

“ with God and man. It is pretending one thing, and meaning another; it is professing agreement with the church, and at the same time disagreeing with it: it is coming into trusts or privileges upon quite different terms from what the church intended; and is, as one expresses it, not entering in *by the door of the sheepfold*, but getting over it as *thieves and robbers.*”  
Case of Arian Subscript. p. 12. [p. 289, vol. ii. Oxford edit. 1823.]

<sup>n</sup> Nelson's Rights, p. 134. The oath is “a matter which he will not controvert.” And he had good reason to let it alone.

<sup>o</sup> The author of the Compleat Incumbent makes this just observation: “The judgments” (in common law) “that to take and give a bond to resign is not simony, have occasioned many corrupt patrons to exact such bonds of their clerks, only that they might thereby make sure (as they think) to themselves a recompence for their presentments. And some inconsiderate clerks, that have given such bonds, have been emboldened thereby to take the oath against simony, to the utter frustrating that most religious law against such corruptions.” P. 24.

would have the sentiments and judgment of the English clergy, synodically given, and more largely and expressly than in the canon I have been speaking to, please to peruse that admirable clause upon this subject, which is at the head of the chapter entitled *Patroni et Proprietarii* in the canons of 1571<sup>p</sup>.

<sup>p</sup> The said clause taken out of Sparrow's Collection is as follows:

Episcopus graviter et studiose cohortabitur patronos beneficiorum, ut cogitent necessitates Ecclesiæ, et ante oculos habeant ultimum illum diem, et judicium et tribunal Dei: itaque ut neminem promoveant ad munus ecclesiasticum, nisi qui doctrina, judicio, pietate, probitate vitæ et innocentia possit onus tam grave sustinere, ut nihil in ea re nisi integre, incorrupte, et sincere faciant. Se enim usurum omnibus honestis et legitimis rationibus ut verum possit invenire. Quod si vel in ipsa præsentatione, vel etiam postea senserit corruptelam ullam aut simoniacum commercium, quounque modo, quantumvis obscure, vel directe vel indirecte, vel per ipsum vel per alios intercessisse, ut ad ipsum, vel pecunia, vel pretium, vel commoditas aliqua, vel pars aliqua fructuum perveniret, velle se facti nequitiam et Symoniam publicare et palam facere, non tantum in Cathedrali Ecclesia, sed etiam alibi ad illius probrum et dedecus sempiternum. Et presbyterum quem ita nequiter præsentaverit, non tantum a sacerdotio, in quod mala fide ingressus sit, sed etiam ab omni ministerio, et a tota dioœcesi removere.

## VISITATION CHARGE ANNO 1744.

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### DISCOURSE IX.

*Upon the Canons relating to Preachers and Preaching  
Licenses.*

REVEREND BRETHREN,

YOU know the subject I have engaged to speak to on these occasions so well, that what I have now to say will neither need apology nor preamble. I ended the last time with the fortieth canon, and shall now begin at the forty-fifth, (the four intermediate canons relating to bishops, deans, and prebendaries, and consequently not within the compass of my design.) And here we have a set of canons down to the fifty-fifth nearly allied to each other, and which concern the parochial clergy, as appears from their titles<sup>a</sup> and contents; and yet there is something in both so little consonant to our present usages, that we do not seem to have any concern with them. They speak of beneficed men who are not allowed to preach, or even to expound the Scriptures in their own churches, and of preachers who are not beneficed men, but licensed on purpose to exercise their talent in other men's cures. Now these, and other particulars of the like nature, which are the subject

<sup>a</sup> These are canons 45, 46, 47, which begin with "Every beneficed man." And 49, 50, 52, 53, 54, concerning preachers, and their licenses. The 48th canon respects the bishop; and the 51st deans and presidents in cathedral and collegiate churches.

of this set of canons now coming under our consideration, must appear very strange, if compared with our present practice. There is no reconciling them together, or indeed justifying ourselves, without first looking back into the state and customs of those times in which the canons were published. Nor are even those customs to be rightly understood, without going still further back into the history of our church, to inquire into the reasons upon which they were grounded. This may be thought perhaps an inquiry as dry as it is uncommon. Yet I conceive the use it will have in throwing light upon our present subject will make you such amends for it, that I presume upon your indulging me in it.

Anciently, and long before any attempts were made towards a reformation here in England, the mission and the licensing of preachers was wholly regulated by the canon law. And, according to that, every beneficed minister might, by common right<sup>b</sup>, preach the word of God within his own cure: but out of his cure he could not, unless he were licensed by the bishop<sup>c</sup>, or authorized by special privilege, as were some of the monastic orders<sup>d</sup>.

And this was the old way which continued to the

<sup>b</sup> See Lynwood. Oxon. ed. 1679. p. 289. upon Arundel's Constitution de Hæreticis et Schismaticis, under the notes *auctorizatus est*, and *Curatum perpetuum, &c.*

<sup>c</sup> Licentiam prædicandi—Papa potest ubique generaliter concedere, et quilibet Episcopus per suam Diœcesin. Ibid.

<sup>d</sup> Potes ponere exemplum de Fratribus Augustinensibus et Carmelitis, qui non censentur circa prædicationem eodem jure cum Prædicatoribus et Minoribus, nisi super hoc habeant privilegium speciale. Ibid.

close of the twelfth century. But soon after, in the pontificate of Innocent III, arose the Preaching Orders<sup>e</sup>, as they were called, that is to say, *Ordo Prædicatorum* from St. Dominique, and *Ordo Fratrum Minorum* from St. Francis. These were sent over into England<sup>f</sup> by the pope with authority to preach in all places even in the streets<sup>g</sup>; and this power thus granted to them, extensive and grievous as it was, being afterwards confirmed<sup>h</sup> by a constitution of Clement V, was construed as a privilege established by the canon law<sup>i</sup>.

<sup>e</sup> Juvere hujus Pontificis virtutem et doctrinam beati Dominici, unde *Prædicatorum*, et Francisci Assisinatis Sanctitas, unde *Minorum* Ordo tum originem habuit. *Platina in Vita Innocent.* III.

<sup>f</sup> Missi etiam eodem tempore ad perturbandum R. P. Angl. jam vacillantis statum a Papa Innocentio inauditæ fraudis et maliæ homines, qui *Minores Fratres vel Prædicatores* dicebantur. *Parkeri Antiq. in Vita Langton.* p. 236. ed. Drake.

<sup>g</sup> Ut dictorum ordinum fratres in Ecclesiis et locis eorum ac in plateis communibus libere valeant Clero et populo prædicare. Clem. Const. lib. 3. de Sepulturis. Dudum. Corp. Can. vol. iii. 187.

Diebus festis populo semper prædicabant: quod quia ab Episcopis, Monachatu, et reliquo tum Clero factitatum non erat, odium summum ab eis creatum illis fuit. *Parker. Ant. ibid.*

— In Cœmeterio, vel plateis publicis, prout est concessum fratribus. *Lynw.* p. 288.

<sup>h</sup> But this confirmation was with some proper limitations, i. e. Hora illa excepta in qua locorum Prælati prædicare voluerint, — prædicare cessabunt. In Ecclesiis autem parochialibus fratres illi nullatenus audeant vel debeant prædicare, nisi a parochialibus sacerdotibus invitati fuerint — vel Episcopus per eosdem fratres prædicari mandaret. *Clem. Const. lib. iii. de Sepulturis, ut supra.* vol. iii. p. 187.

<sup>i</sup> That is, according to Lynwood, this privilege being by this constitution made a part of the canon law, and incorporated

And upon this footing stood preaching here in England for two hundred years, agreeably to the then generally received constitutions of the church, without any national provisions concerning it, either from the civil or ecclesiastical powers at home. But, in the reign of Henry IV, we find the state thought fit to take some cognizance of this matter. For, in the famous act *de Hæretico comburendo*<sup>k</sup>, it is enacted, “that none within the realm should pre-“sue to preach openly or privately, without the “license of the diocesan first obtained, curates in “their own churches, and persons hitherto privi-“leged and other of the canon law granted only ex-“cepted.” And to the same effect is the constitution of Thomas Arundell<sup>l</sup> eight years afterwards, entitled *de Hæreticis et Schismaticis*; viz. that no regular or secular, unless authorized by law, or warranted by special privilege, should preach without having first obtained the bishop’s licence. And that stipendiary curates, who had neither title to the parish nor special license from the bishop, should be confined in their discourses to the matter and method mentioned in the constitution *Ignorantia Sacerdotum*<sup>m</sup>.

with it, was afterwards judged to be enjoyed *jure communi*, as distinguished from the special privileges of some other monasteries.

<sup>k</sup> This was about 1400. See the statutes at large; and bishop Gibson’s Codex, p. 374.

<sup>l</sup> Lynwood’s Provincial, p. 288. and Codex, ibid. and Collier’s Ecclesiastical History, vol. i. p. 625.

Both the act of parliament and this provincial constitution were in confirmation of the canon law, and with design to enforce it the stronger.

<sup>m</sup> This constitution is Pecham’s, made 1281. Lynwood begins his provincial with it. It is quoted by Collier, vol. i. p. 480,

And thus stood the laws and rules about preaching when Lynwood wrote his Provincial, and to the end of the fifteenth century. Nor do I meet with any account of alterations made therein, excepting that about 1500 Pope Alexander VI. granted a power to the chancellor<sup>n</sup> of Cambridge to license twelve preachers yearly for these realms. Which I mention, as it was the foundation of that privilege enjoyed by the universities. For though it was soon taken from them at the reformation which presently succeeded, and shared in the same fate with all the other acts of the papal supremacy, yet it was restored by Q. Eliz. in the third year of her reign<sup>o</sup>, and hath been from that time allowed, and acknowledged not only in our canons but in the statute laws.

I come now, then, to inquire into the new regulations that were made upon the reformation in this point of preaching, and licensing thereunto. And indeed there was nothing of greater consequence to

as an instance that the bishops were not so negligent in those days in the discharge of their office as they have been sometimes represented.

<sup>n</sup> John Fisher, bishop of Rochester. This was in 1504, as appears by the recital of this grant in a license of bishop Fisher's, 1522: viz. "Authoritate Papæ Alexandri Sexti apud S. Petrum " sexto nonas Maii Pontificatus sui anno undecimo——eligendi " singulis annis duodecim doctores, magistros, et graduatos," &c. Strype, *Vit. Parker.* p. 193. and App. N<sup>o</sup>. 35.

<sup>o</sup> The university of Cambridge had sued in vain for a restoration of this privilege in the reign of Edward VI. See the clause of privilege which was offered to the king, but not obtained, in Strype's App. to the *Life of Parker*, N<sup>o</sup>. 37.

See there likewise queen Eliz. her grant to the university for licensing preachers, N<sup>o</sup>. 38; and the form of a license from the vice-chancellor by virtue of the said grant in 1563, N<sup>o</sup>. 36.

be looked to than this was, upon shaking off the yoke of the see of Rome. But as it will be to little purpose to recite the steps that were taken herein by Henry VIII. and Edward VI<sup>p</sup>, because, all that

p They were briefly these, as far as I can collect them.

In 1533 archbishop Cranmer forbid all preaching in his diocese, and warned the rest of the bishops throughout his province to do the same, till proper orders for preachers could be prepared. The supposed reason why preaching was thus restrained is, because the matter of sermons did now too much consist in canvassing the king's marriage with Anne Bolen. *Strype, Vit. Cranmer.* p. 21.

In 1534 the order for preachers was finished and delivered in both provinces. In which preachers and curates are distinguished. *Ibid. p. 25.* Also *Strype's Mem. vol. i. p. 169.*

In 1538 among the king's instructions sent to all the bishops, one was that no parsons, vicars, &c. should preach out of their own churches. *Strype's Mem. vol. i. p. 303.*

In 1547 the first homilies were prepared for the use of curates and unpreaching ministers. *Strype, Vit. Cranmer. p. 149.*

In the same year 1547, came forth king Edward's Injunctions, among which it is ordered, that there should be one sermon every quarter in every church at least; and homilies read by non-preachers every Sunday. That deans, archdeacons, and prebendaries, should preach twice a year at least in the churches belonging to their dignities; and that the power of licensing preachers should be only in the king, the lord protector, the two archbishops within their provinces, and the several bishops within their dioceses. See *Sparrow's Collection.*

In 1548 the power of granting licenses was taken from all the bishops, save only the archbishop of Canterbury. So that the bishops could not authorize preaching in their own dioceses, nor even preach—therein themselves without license. And accordingly they took out preaching licenses. To offend against this order, which was given by proclamation, was imprisonment. *Strype's Mem. vol. ii. p. 90.*

Preachers thus licensed still misbehaving, and not observing the instructions given them, all preaching was, within five months after, suspended, or prohibited throughout the realm, till the new

had been done by them being rescinded and annulled by queen Mary, the same steps were to be taken *de novo*, and with improvements, as occasion served; and as what was done by queen Elizabeth, in pursuance thereof, is the true foundation of our present canons, so far as they respect this article; I shall therefore omit what passed in the three former reigns, and confine myself to the regulations made concerning preachers, from the accession of queen Elizabeth to the publication of our present canons.

The first step that was taken, and in the very beginning of her reign, may seem, at this time, a very extraordinary one; viz. to prohibit all preaching whatsoever, by virtue of her supremacy, which was done by proclamation. But, as this prohibition<sup>q</sup> was to last no longer than till a proper regulation

Service Book, which was now preparing, was published by authority. This was done by proclamation Sept. 23, 1548. Strype's Mem. vol. ii. 118.

In 1550 it was ordered, that none should have any of the crown preferments, but who preached before the king in, or out of, Lent; and that a sermon should be made at court every Sunday. *Ibid.* p. 214.

In 1551 orders were sent to all the bishops, and, through them, to all the preachers within their dioceses, to preach particularly against the sin of covetousness. P. 280.

In 1553, the last year of this reign, all preachers were required to subscribe the Articles of Religion framed in 1552. *Ibid.* 420.

By proclamation from queen Mary, Aug. 18, 1553, all preaching was again forbid; Strype's Mem. vol. iii. p. 26. This was the third time preaching had been prohibited within the compass of twenty years.

<sup>q</sup> In the city of London, nothing was allowed in the churches but the Epistle and Gospel for the day, and the Ten Commandments in the vulgar tongue, but without any addition or comment whatsoever. Strype's Ann. Eliz. i. 41.

of preachers could be settled, so there were better reasons for it, as things then stood, than one would be apt, at first sight, to conceive. For one half of the beneficed clergy would have contended for the mass book, and the old customs lately restored by queen Mary; while those, who were eager for a reformation, and were withal exasperated at the late violent proceedings, would have run all their lengths at once; which must, of necessity, create public opposition and disorder, and could end in nothing, humanly speaking, but the greater distraction of the people.

The next step was to introduce, with special license, some of the reformed preachers<sup>r</sup>, while the papalins were still held to the inhibition of the proclamation. And great caution was used in the choice of men, to whom this privilege should be granted. None were intrusted with it, but such as were most unexceptionable for their learning, temper, and good life.

The new regulation, that was fixed upon, came out in the latter end of the year, under the title of the queen's Injunctions, which you have in Sparrow's Collection; in which the following particulars, relating to preachers, and which are yet retained in our canons, were enjoined:—that all parsons and vicars, that were licensed specially thereunto, should preach one sermon, in their respective churches, every month in the year; and such as were not licensed, should procure<sup>s</sup> a monthly sermon and read homilies

<sup>r</sup> And these only at the queen's chapel and at St. Paul's Cross, on some more eminent occasions. Strype's Ann. I. i. 135.

<sup>s</sup> That this is the meaning of the third item of the Injunctions, though no more is there expressed, than that they shall "preach

themselves, on all the other Sundays when there was no preacher. Also, that they should admit no man to preach within their cures, but who should appear sufficiently licensed, either by the queen's majesty, or the archbishops, in either of their provinces, or by the bishop of the diocese, or by the queen's visitors <sup>t</sup>.

But with how very sparing a hand these licenses were at first granted will appear from hence, that

" in their churches one sermon every month," appears, first, from the third item of king Edward's Injunctions; where it is said, " they shall make, or cause to be made, one sermon," &c. The rest is word for word the same, save only that, by the king's Injunctions, this sermon upon works of faith and charity was to be made every quarter of the year, instead of every month.

Secondly, from the fourth item of the queen's Injunctions immediately following, in which they are required, if licensed, to preach " in their own persons" every quarter, or else to read homilies. This preaching in their own persons shews that, in the foregoing item, they may be allowed to do it by a substitute.

<sup>t</sup> As the clergy were enjoined not to admit any but who were thus licensed, so neither might they refuse to admit any that were authorized in this manner. They were to be received " without resistance or contradiction;" and, by the Articles of Visitation in king Edward's time, inquiry was ordered to be made after those parsons that denied their pulpits to the preachers; though it is against the canon law to obtrude teachers upon them in their own churches.

At the end of the eighth item of these Injunctions, it is said, that " none shall be suffered to preach out of his own cure, or " parish, except he be licensed;" by which it may seem as if every minister, though unlicensed, " might preach within his own " parish." But, if this item be compared with the fourth above, it cannot, to be made consistent with it, admit of this construction. The sense and effect of these three items, viz. the third, fourth, and eighth, considered together, is taken in our present canons.

in the very following year, viz. 1560, when it was thought necessary to send preachers, duly authorized, into some dioceses where the sees were yet vacant, two or three were all they could allow for the large diocese of York, two only for this diocese of Durham, and as many for that of Winchester<sup>u</sup>.

And, notwithstanding all these precautions, such was yet their jealousy of those who were thus intrusted, that we find, within five years more<sup>x</sup>, not only the licenses, that had been granted by the queen's visitors<sup>y</sup> but all those that had been given by the archbishop and bishops of the province of Canterbury, were called in<sup>z</sup>, with design to reexamine the qualifications of those who had them, and

<sup>u</sup> Strype in *Vita Parker*. p. 86.

<sup>x</sup> Before this, viz. in 1563, we find an order published by archbishop Parker about preaching, along with the advertisements about marriage, and commonly printed along with them in the table of marriage; viz. that no parson, vicar, or curate, *do preach*, treat, or expound, of his own voluntary invention, any matter of controversy in the scriptures, "if he be under the 'degree of a master of arts,'" except he be licensed by his ordinary thereunto; but only, for the instruction of the people, read the homilies already set forth, &c. By this, it seems as if, for want of preachers, masters of arts were tolerated in their sermons without having special license, notwithstanding the queen's late injunctions. It is hard, on any supposition, to reconcile this advertisement with the former regulations.

<sup>y</sup> These were called in first. A resolution was taken for doing so, as early as 1561. Strype, *Vita Parker*. p. 92.

<sup>z</sup> These were called in, in the latter end of 1564, or the beginning of 1565. Pursuant to certain articles published in 1564, (see Sparrow's Collection,) of which the fourth item is, that all licenses for preaching, granted out by the archbishop and bishops within the province of Canterbury, bearing date before the 1st of March 1564, be void and of none effect. See also Strype's *Life of Parker*, p. 189.

to grant new ones to such only as should be approved.

About seven years after, this matter of preaching was considered in a more regular and synodical way; and all the licenses were again called in and made void, as may be seen in the chapter, entitled *Concionatores*, in the canons of 1571<sup>a</sup>. There the regulation stands thus<sup>b</sup>: that none should preach even in his own parish, without the permission of his bishop. That none should preach out of his parish, without a faculty either from the bishop for preaching throughout his diocese, or from an archbishop throughout his province, or from the crown throughout the realm. In the same year it was enacted, by the parliament<sup>c</sup>, that none should hereafter be admitted to any benefice with cure, of, or above, the value of 30*l.* yearly in the queen's books, unless he should then be a bachelor of divinity, or preacher lawfully allowed by some bishop, or by one of the universities. Which statute is in force, and is observed to this day<sup>d</sup>, whatever liberties have been taken with the canons.

<sup>a</sup> Nulla potestas concionandi firma erit imposterum aut auctoritatem aliquam obtinebit, nisi tantum quæ impetrata fuerit post ultimum diem Aprilis, qui fuit in anno 1571. Sparrow, Coll. p. 238.

<sup>b</sup> Nemo nisi ab episcopo permissus in parochia sua publice prædicabit, nec posthac audebit concionari extra ministerium et ecclesiam suam, nisi potestatem ita concionandi acceperit, vel a regia majestate per omnes regni partes, vel ab archiepiscopo per provinciam, vel ab episcopo per diœcesin. Ibid.

<sup>c</sup> 13 Eliz. cap. 12. Reformation of disorders in the ministers of the church.

<sup>d</sup> Because it follows, in the said act, that all admissions to benefices, institutions, and inductions, to be made of any person contrary to the form or any provision of the said act; and

And from this time no alteration was made, that I can learn, in all that reign, in this business of preaching and licensing; though a further privilege was annexed to these licences, in the year 1584, among the constitutions<sup>e</sup>, entitled *Articuli pro Clero*; by which no person could hold two benefices, unless he were “a public and sufficient preacher licensed<sup>f</sup>.” Which constitution was retained, word for word, among the *Capitula*, or canons, of 1597. And again, six years after, inserted almost word for word in our present body of canons.

Now, after having historically deduced the discipline of the English reformers in this point, we shall be the better able to judge of those canons which are now under consideration; for, indeed, they are altogether formed upon the rules that were enjoined, at different times, in the reign of queen Elizabeth.

As, first, that every beneficed man, allowed to be a preacher, shall preach every Sunday either in his

all tolerations, dispensations, qualifications, and licenses whatsoever, to be made to the contrary thereof, should be merely void in law as if they never were.

■ Under the title, “*De beneficiorum pluralitate cohibenda.*” Sparrow’s Coll. p. 196.

<sup>f</sup> The words of the Constitution are, “*Publicus ac idoneus verbi divini concionator.*” And so they are in the repetition of this constitution in 1597. *Ibid* 247. And so they are likewise in the present Latin canons, viz. in Can. 41. *Ibid*. 289.

But as these words, “*publicus ac idoneus concionator*,” are made English in the forty-first canon, by this expression, “a “public and sufficient preacher licensed;” I think the same words, in the two former constitutions, ought to be rendered and understood in the same manner.

own church<sup>g</sup>, or in some other, where no allowed preacher is. Can. 45.

Secondly, that every beneficed man, not allowed to be a preacher, should procure a preacher, lawfully licensed, once in every month<sup>h</sup>, and, on other Sundays, should read an homily<sup>i</sup>. Can. 46.

Thirdly, that every beneficed man, though he be a preacher, shall, in case of non-residence, provide a curate that is licensed to preach; and, if he hath two

<sup>g</sup> Queen's Injunctions 1559, fourth item. A sermon, or an homily, "every Sunday at the least;" but no homily, if there were a preacher licensed. Sparrow, p. 68.

Indeed it was more necessary, in those times, when the preachers were few, that they should preach every Sunday, either in their own churches, or in other parishes, than it was afterwards. But, even in 1603, there were so many not allowed to preach, as gave room for the employment of preachers every Sunday in some parish or other.

<sup>h</sup> Queen's Injunctions 1559, third item. Sparrow, 67. That they, the parsons above rehearsed, shall preach (or "cause to be "preached," see this interpretation proved in a note above) in their churches, and every other cure they have, one sermon every month of the year at the least, &c.

<sup>i</sup> Ibid. item fourth and twenty-seventh, p. 76.

Articles 1564. That no parson or curate, not admitted by the bishop of the diocese to preach, do expound, in his own cure or elsewhere, any scripture, or matter of doctrine, or by way of exhortation, but only study to read gravely and aptly, without any glossing of the same, or any additions, the homilies already set out, p. 124.

Protestations to be made by all ministers at admission, p. 127. —Imprimis, I shall not preach or publicly interpret, but only read that which is appointed by public authority, without special license of the bishop under his seal.

Can. 1571. *Omnibus dominicis, &c. si tempore sacræ communionis nulla erit concio, de scripto et e pulpito pronunciantur unam aliquam aut aliam ex illis homiliis, quas jam antea publicavimus in illum usum.* P. 233.

livings, shall maintain such a curate on that where he doth not reside<sup>k</sup>. Can. 47.

Fourthly, that no person, who is not an allowed preacher, shall take upon him to expound either scripture or matter of doctrine within or without his own cure, but shall read homilies only<sup>l</sup>. Can. 49. Which, though it was intended to prevent preaching under the notion of lectures and expositions, yet is not to be understood to exclude private advice and admonitions; for these not only may, but ought constantly to be given by the non-preachers according to the canons of 1571<sup>m</sup>.

<sup>k</sup> *Articuli pro Clero*, p. 196; *et Capitula*, p. 247. Denique quod *idoneum curatum* habeat, qui plebem ejus parœciæ in qua non residebit, instituat ac informet.

In the recital and confirmation of this constitution, in the forty-first canon of 1603, *idoneum curatum* is expressed by *concionatorem rite approbatum*. And this is again interpreted, in the forty-seventh canon, by *curatum legitimum*, that is, says the English canon, “a preacher licensed;” and *curatum qui concionator sit idoneus et sufficienti autoritate approbatus*; that is, according to the English version, a curate that is “a sufficient “ and licensed preacher.” This is not, therefore, so much an improvement upon the old constitution, as it is a further explanation, as well as reinforcement, of it. See the like remark above upon *publicus et idoneus* verbi divini concionator.

<sup>l</sup> This is almost word for word in the Advertisements of 1564, in the second item of Articles for Administration. Sparrow, 124. See note above upon Can. 46, and the fifty-third item of the Queen’s Injunctions in 1559, p. 82.

<sup>m</sup> *De Cancellariis, &c.* Sparrow, p. 233. *Si nulla erit concio, pronunciabunt unam ex homiliis, &c.* Interim cohortabuntur populum, &c. Admonebunt populum, &c. *Et ut omnes intelligent quid debeant Deo, quid principi, quid legibus, &c.* omnibus dominicis præsto erunt, ad duas horas legent, docebunt catechismum, et in eo substituent omnes omnium ætatum atque ordinum, etiam si opus erit grandiores, &c.

Fifthly, that no beneficed man, or his curate, shall suffer any person to preach in his church, who doth not at first produce his license, and shew his legal authority for so doing<sup>n</sup>. Can. 50.

Sixthly, that a book shall be kept in every parish, for entering the names and licenses of every person that comes there to preach<sup>o</sup>. Can. 52.

Seventhly, that there be no opposition of preachers in the same church, or the same neighbourhood. Can. 53<sup>p</sup>.

And, lastly, that the licences of preachers, refusing conformity<sup>q</sup>, shall be void and of none effect. Can. 54.

<sup>n</sup> Also they shall admit no man to preach within any of their cures, but such as shall appear to them to be sufficiently licensed thereunto. See the eighth item of the queen's Injunctions, 1559. Sparrow, p. 69.

Whether they (the ministers) have admitted any man to preach in their cures, not being lawfully licensed thereunto. Art. of Visitation, 1559. Ibid. p. 177.

<sup>o</sup> Editui curabunt ut nomina omnium concionatorum, qui ad se alicunde venerint, annotentur in libello, quem habebunt paratum in eum usum; utque in eodem libello concionator quisque subscribat nomen suum et diem quo habuerit concionem, et ejus episcopi nomen a quo acceperit concionandi potestatem. Can. 1571. Sparrow, 237.

<sup>p</sup> This is all that relates to the preachers in the fifty-third canon; and it is founded on the fifth item of the Advertisements of 1564. Sparrow, p. 123. viz. If any preacher, licensed, shall fortune to preach any matter tending to dissension, or to the derogation of the religion or doctrines received, that the hearers denounce the same to the ordinary; but no man openly to contrary or to impugn the same speech so disorderly uttered, whereby may grow offence and disquiet to the people, &c.

<sup>q</sup> Refusing conformity. The Latin canon hath it *schismati*.

All these canons, except the last, are evidently founded on the former constitutions made in queen Elizabeth's reign, and the last is as evidently levelled against the puritans in particular; who, in the latter end of her reign, and the beginning of king James's, gave no little disturbance to the established church. And it was chiefly on their account, as I conceive, that the old rules, about preaching and licensing, were so strictly followed. For the first end and design of those rules was already answered, after a forty years' progress in the reformation. Most of the old unlicensed papalins were gone off, and their places filled with persons better affected to the protestant doctrines and customs. Learning was become more common; and the churches generally provided with graduates, or such as had university education. But though, by this means, popery was thrown pretty well out of doors, and there was no apprehension that the pulpit would be made use of towards restoring it in whole or in part; yet another enemy to the established church had arisen, and had found means to discharge its artillery too often from the pulpit, and under the sanction of licenses.

A very fresh instance both of the principles and of the strength of the puritan party, among the divines, had appeared at the Hampton Court conference, just before the framing of these canons. And it was very natural for the convocation, that framed them, to guard and secure the bishops' authority, in all instances, for which they could find a precedent since the reformation; and especially to drop nothing of that branch of power over preachers, which the ecclesiastical laws had given to the ordi-

nary, as being one of the strongest bulwarks of an established church.

And thus much of the reason and intention of the canons now before us.

The next question will be, how we can reconcile our present usages to them, what their validity, at this time of day, may be supposed to be, and what grounds of exemption we have to plead from a strict and literal observance of them ?

It is, as I take it, the opinion of some, that the beneficed men, at least, need be under little difficulty in answering for themselves ; since their orders and their institution, taken together, seem to amount, in effect, to the same thing, with a preaching faculty or license. They observe, that, in the office for ordering of deacons, the form, appointed for the delivery of the Bible, runs thus : “ Take thou authority to “ read the gospel in the church of God, and to preach “ the same, if thou be thereto licensed by the bishop “ himself<sup>r</sup>.” But the prescribed form, at the delivery of the Bible, in the ordering of priests, is this : “ Take thou authority to preach the word of God, “ and to minister the holy sacraments in the congre- “ gation, where thou shalt be lawfully appointed “ thereunto.” Now, say they, what is collation or institution to any benefice, but a “ lawful appoint- “ ment to preach the word of God in a certain con- “ gregation.”

The right of preaching is originally in the bishop, as ordinary pastor within his diocese ; and this he delegates in different ways: to a deacon by a special

<sup>r</sup> “ If thou be thereto ordinarily commanded.” Thus it stood in the office that was used in 1603, but to the same sense.

warrant or faculty (his proper office being only to read the gospel, and not to preach it); but to a presbyter, in virtue of his orders, by, or through which, he grants him a general commission, as yet indeed unopened; but when he, or any other bishop, doth further invest him with any particular cure and regimen of souls; then the general commission becomes special and proper. So that no further license should seem any ways necessary, especially for preaching within a man's own cure, which, by the old canon law, as I said before, every beneficed man might *de jure communi*.

Nay, indeed, most of the titles upon which persons are admitted into orders are properly appointments, and nothing more than appointments, of certain places where they should exercise their ministry; and ordination, upon one of these titles, seems, of itself, to give sufficient authority to preach in that congregation, or church, which is specified in the title. At least, if a license be further granted for serving that particular cure of souls, it is then equivalent with institution or collation, in this respect, that is to say, according to the argument just now used, equivalent with a preaching license.

And if this reasoning be good, it may be extended still further, even to the justifying our preaching, not only out of our own cures, but in another diocese, or in another province, without any permission from the ecclesiastical superiors thereof. For every man is allowed, by the canons, to preach by a substitute duly qualified; and if priest's orders (as was said above) be a sufficient commission to preach wherever there is a lawful appointment, then the ap-

pointment of the person who has the legal right<sup>s</sup> in the pulpit of any parish, is all that seemeth needful to extending the commission to that place. And accordingly we find, that, in those places where a book is kept for registering the names of strange preachers, it is thought sufficient to satisfy the canon, for the stranger to set down the bishop's name who ordained him, in lieu of that bishop's name who gave him license to preach, as the canon enjoins.

But now, how easy and plausible soever this solution of the matter may appear, I fear it does not stand upon a good bottom. I fear even beneficed men will not be allowed to plead it for preaching within their own cures, much less for doing so out of their parishes. The reasons are, because no powers are conferred in ordination, or in collations, institutions, or any other admissions to cures, but what are subject and liable to be controlled and limited by ecclesiastical authority; even the episcopal powers are coercible by it. Bishops themselves may, upon occasion, be silenced, or obliged to take out preaching licenses, as they were in Edward the VIth's reign. But, though there is no restraint upon them now in this point, yet these canons are standing laws of restraint upon us the inferior clergy, and are neither rendered obsolete, nor weakened by being now 140 years old. For, to put it out of question that they are yet in force, the bishops, by virtue of them, not only may, but actually do, when they think proper, compel the

<sup>s</sup> The minister if present, the churchwardens if the minister be absent, or hath not provided for his pulpit. The sequestrators during a vacancy of the living. Others in exempt churches, or peculiars with special privileges.

clergy within their jurisdictions to take out preaching licenses in form ; or, upon their refusal to do so, absolutely prohibit their making any further use of their own pulpits, than for the reading of homilies themselves, or substituting some licensed preachers in their place.

Therefore, I apprehend, our defence and apology for our present usages and practice must stand upon some other foundation, than the right and privileges of ordination and institution. And, I conceive, it can rest only here, viz. upon a general tacit dispensation of all, or most, of the ordinaries in the kingdom, with one accord, and, as it were, with one voice agreeing (a particular case, perhaps, or two excepted) to a relaxation, or rather a temporary suspension, of all those canon laws about licenses for preaching.

If I may conjecture concerning the reasons that induce them to this dispensation, they are these ; at least their dispensation, in this matter, seems highly justifiable upon the following considerations.

First, the qualifications of the parochial clergy in general, with respect to literature and knowledge both divine and human, are much beyond what they were when the canons were settled, and in the ages before. There were indeed in those times some men of very extraordinary proficiency in all parts of literature, so as to be deservedly named among the greatest scholars of other ages and countries. But these were few in comparison. Learning ran in chosen and select channels, and was in that sense very rare and uncommon. But now it hath enlarged its limits, and widened its course, passing more freely and generally through many hands both of

clergy and laity. So that whosoever compares the most authentic accounts we have of the parish ministry formerly, not only in times of popery, but for half a century after the reformation, with the state of the parochial clergy at this time, and since the restoration, in point of sufficiency in regard to letters, will find so great a difference as may well account for a more general permission of unlicensed preachers; there being so much the less apprehension of danger from ignorance and blind superstition.

Secondly, the times will not now bear, as they formerly did, the use of homilies or the ministry of an unpreaching clergy. The taste of the people is altered much from what it was above a century ago. The extempore and puritanical preachments, in the great rebellion and during Cromwell's usurpation, had so much corrupted it, that it was well the clergy of the church of England, when restored, could be allowed the use of notes; much less would the prescript and stale form of the homilies have gone down with the people.

And, thirdly, the circumstances of the times are altered, as well as the abilities of the clergy and the taste of their audience. The particular reasons which once occasioned so great a care in licensing teachers, which I took notice of above, do no longer subsist. The remains and dregs of popery have been for these many years purged off: and there is no suspicion either of priest or people, that the one will preach, or the other receive any doctrines tending that way. The reformed principles are the only ones commonly espoused, and in public credit and esteem; and nothing can be borne in this

age, but what is built upon them and suitable to them.

And then as to Puritanism, which I mentioned as another cause of the strictness of our canons in this matter of licenses, it hath now taken another course, especially since the act of Toleration, whereby a separation of congregations is permitted by law. So that whatever check may be supposed to have been formerly given to the progress of it by withholding licenses to preach ; yet the doing so now would be no longer an inhibition, nor indeed have any influence that way ; every sectarist being now allowed to take out his license, and preach to his own fraternity. And it would have seemed a little hard if our bishops had not allowed the ministers of the established church to preach, even in their own parishes, under a toleration that permits dissenters of all denominations to set up for teachers and pastors ; and to claim license from a law of the state for doing so wherever they please. I say a tenacious adherence of our ordinaries to the letter of the canons, nowadays, must lay the beneficed clergy, who are the only properly authorized pastors, under greater restraints in their didactical capacity, than even the laity themselves are laid under.

Now, laying these things together, I presume it will appear highly reasonable, that we should be dispensed with, in the manner we are, as to the literal observance of these canons ; and permitted by toleration and connivance to resume that liberty of preaching within our own cures, which formerly all beneficed men by the canon law enjoyed *de jure communi*.

And as for our doing it out of our parishes, or

wherever we have an occasional call, though it be less agreeable to the ancient rules of our church, than the case last mentioned, yet it stands upon as good a footing of a presumptive consent of all the bishops within the realm, as the other doth. It is a convenience, as a relief, to the clergy in general; and as no inconvenience hath hitherto arisen from it; so, if there should, the ordinaries within their respective jurisdictions have still the remedy in their own hands. Which circumstance alone, had we no other reason to support it, would justify our interpreting their connivance as a plenary permission, if not rather an approbation of what we do. We do not therefore usurp this power, we do not claim it as of right, but we use it as an indulgence or a favour of our superiors. Which fully reconciles our part and behaviour in this business with our obligations, upon the footing of the third class of dispensations formerly mentioned.

And indeed without admitting this most equitable rule of construction, which is allowed in all similar cases, I do not see how we can possibly acquit our present customs in preaching of direct repugnance to the orders and canons of our church. For if we will abide by the very letter of them, though we are not obliged thereby to sue out licenses for preaching, yet we are obliged, till we obtain such license, to read only homilies in the church. And though our bishops cannot compel<sup>t</sup> us

<sup>t</sup> This is said with respect to the general case of the parochial clergy, whose regular admission into their cures will secure their possession thereof, whether they be licensed preachers or not. And with due exception to all those cases where a bishop may be said to compel; as in the case of livings of or above 30*l.*

to take their licenses, if we choose not to have them, yet they are obliged (equally with ourselves

yearly value in the king's books; and clerks presented to them who are not bachelors of divinity. There, unless they be already licensed, or do take license previous to their institution, the bishop is bound not to admit them; or, if he does, yet their benefice is forfeited and void by stat. Eliz. 13th. So in the case of lecturers, whose admission to the lecture is only by a license taken from the diocesan to preach, there is a necessity of their taking out such license, because otherwise they cannot hold such lecturer's place. So likewise in the case of coadjutors, or curates-assistant to any beneficed minister, the appointment of these being discretionary in the ordinary, he may insist upon their qualifying themselves canonically by taking his license to preach. And as in the two abovementioned cases of persons presented to livings of 30*l.* value in the king's books, and of occasional lecturers, preaching licenses are always taken in form, and under seal; so, in the case of assistant curates, it is usual with bishops, (and it is very right,) to insert words of explicit permission to preach, in the instrument or license which they give for serving the cure of souls. I say, in all these cases, where an explicit license is either necessary or proper, care is taken that it shall be granted. But in all other cases where it is not made necessary by law, and where the bishops cannot in strictness oblige the clergy to take it, and where, if they did take it, it would answer no other end than the advancing of the perquisites of the bishop's officers, and consequently increasing the expenses of the clergy at their admissions in the same proportion; the bishops have generally chosen (and their clergy are obliged to them for the indulgence) to leave them to themselves, and not absolutely to inhibit them from preaching: which allowance is the more reasonable and safe on this account, that the said clergy have fully complied with all the other conditions and qualifications for the ministry that were required of them; as the subscription, particularly, to the three articles in the thirty-sixth canon, which not only every incumbent at his institution, but every person at his admission into orders, doth subscribe in the same form that is required to obtain a license to preach.

by these canons) to forbid our preaching for want of them.

But as we have our reasons of expedience for not giving our people homilies instead of sermons, and reasons of great moment to our interests in our respective parishes ; so the bishops likewise have their reasons of expedience for not exercising ordinarily their power to prohibit our preaching ; some of which I have already laid before you. So that by a mutual agreement, or as it were a tacit composition founded on an expediency acknowledged by both parties, the literal execution of the canonical injunctions is waved or superseded, till such time as there may be occasion hereafter (and you have heard enough of such-like occasions heretofore)<sup>u</sup> to revive them in their pristine force and vigour ; in such manner as other canonical injunctions have been, from time to time, revived by common consent of the bishops among themselves, consulting “ how “ they might best employ that authority which the “ ecclesiastical laws now in force have vested in

<sup>u</sup> It is observable, that all the alterations or deviations from the rules of the canon law, which have been made in respect of licensing preachers, or prohibiting of preachers, have been calculated purely to prevent reformation when the papists were in power, and to promote and complete it when the protestants were so. The first statute law about preaching, in Henry IV.’s reign, was to check the followers of Wicliffe, commonly called *Lollards*. So likewise was Thomas Arundell’s constitution *de Hæreticis*. The various injunctions and inhibitions recited above in the reigns of Hen. VIII, Ed. VI, and Queen Eliz. were levelled against popery. Many of our present canons in James I.’s reign were retained, and one or two new ones added, to preserve what was already established from further innovations from the Puritans. What occasions may occur hereafter time only will shew.

“them:” instances of which you may see in the circular letters of the archbishops to their suffragans.

It remains only in the interim that those of the clergy among us who take the benefit of this temporary dispensation, study to make the same proof of their ministry, and to make use of their unlicensed preaching with the same diligence, and the same care to approve themselves by it in every respect, as if they were responsible to their ordinary, in the same manner licensed preachers formerly were, for every misdemeanor, abuse, or neglect committed in so great a trust reposed in them.

## VISITATION CHARGE ANNO 1745.

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### DISCOURSE X.

*Upon the form of prayer before Sermon, Canon the 55th.*

REVEREND BRETHREN,

MY discourse to you, the last time we met, upon the old distinction between “beneficed men not allowed preachers,” and “preachers by license,” with the uses of it for understanding the canons; and likewise upon the privileges annexed in former times to the preaching faculties, with their consequences and effects in those times; consisted for the most part, as you may remember, in historical researches into these points, and sundry others closely connected with them; yet in appearance very little connected with our modern customs and usages. It was a subject, however, not to be passed over, though perplexed and intricate enough; because it extends itself through several canons upon different topics, and mixes and incorporates with their several proper matters. I am still within the verge of it; for the fifty-fifth canon, which, according to due course and order, I now proceed to examine, is a kind of appendage to the foregoing set; but the matter of it being more simple and uniform, and better accommodated to our present practice, will admit of a more regular and better methodized, as well as a more profitable discussion.

One would indeed imagine from the title of it, which is, “a prayer to be used by all preachers before “their sermons,” that there could be no room for disquisition or dispute about it. And yet, in the whole body of ecclesiastical constitutions, there is not one that yields more matter for both than this does; nor one upon which the clergy have been more divided, both in their sentiments and their practice: for, though we all profess to conform ourselves to it, yet we express our conformity in divers ways. And I may add further, that it is the only canon upon which I have ever yet met with a formed discourse or a dissertation professed; and that is one by Dr. Heylyn in the last century<sup>a</sup>.

But my purpose is neither to build altogether upon what he has discoursed largely and learnedly upon the subject, nor yet to omit mention of the most material arguments wherewith he hath supported his own opinion: but to give, by means of his, and such other helps as I could meet with, the fairest account of the matter that I am able; and in the same method that I have hitherto taken in commenting on this body of ecclesiastical law.

The single question which hath occasioned all the embarrass in the interpretation of this canon is this:

Whether the canon be a direction to the preacher “to use a prayer according to the form” therein set down; or whether it be a direction to him “to exhort the people, according to that form,” to pray

<sup>a</sup> Entitled, “A brief Discourse touching the form of Prayer “to be used by Ministers before their Sermons.” Can. 55. It was wrote in 1637, and was republished among his Historical and Miscellaneous Tracts, in 1681.

for the things recommended therein to their devotions. For the several clauses in the imperative beginning with, "Ye shall pray," are equally capable of either construction: at least they seem so upon the first view or cursory reading of the canon.

If, for instance, we interpret them in conformity with the title of the canon, viz. "A form of prayer " to be used by all preachers before their sermons," nothing is more natural than to construe, "Ye shall " pray," as an injunction upon the minister to use a prayer agreeing with the form prescribed. But if we interpret them by the first words of the canon itself, viz. " Before all sermons, lectures, and homi- " lies, preachers and ministers shall move the peo- " ple (to join with them in prayer) in this form, or " to this effect, Ye shall pray for Christ's holy catho- " lic church," &c. then nothing seems more natural than to look upon the whole as an injunction upon the clergy, to bespeak the prayers and intercessions of their audience, either in the very words of the canon, or in others to the same purpose and with the same brevity.

Again, the sudden transition from the imperative plural, "Ye shall pray," to the first person singular indicative, "And herein I require you most especially " to pray," &c. seems to put it out of doubt that the whole form is an exhortation to be repeated by the officiating minister. And yet towards the conclusion, when another transition occurs from the second to the first person plural, "Finally, let us " praise God," &c. this seems to imply a joint concurrence of priest and people in the supplicative as well as eucharistical part: and consequently to require a form in the minister's mouth, adapted to

such an union in prayer: one that at the same time will serve both himself and them.

Now it is no wonder, if these seeming clashings in the directions should have produced a real diversity and dissonancy in the practice of the clergy. Some using the very words of the canon as an exhortation: others converting it into a prayer or an address to God: and others, again, so framing their diction as to serve both purposes: that is, so contriving the form of their exhortation, as that it may seem nevertheless to be a prayer, and may pass indifferently for either, as the auditors are disposed to interpret it.

It is neither my intention to blame any one for his opinion, nor to prescribe to any one's practice in this thing: knowing that very judicious persons have differed in both from each other. But a close inquiry into the reasons that may be pleaded on either side of the question, provided it be a candid one, will scarce be thought unseasonable: especially as many of us have taken up our own practice most probably upon the authority, and in conformity to the example of other clergymen, without having ourselves entered into any steady and thorough consideration of the point; and least of all into the history of the canon, which yet seems to be the best key for opening to us its true meaning, and letting us into the knowledge of its peculiar style.

Indeed, what I call the history of it, or its relation to, and dependence upon, former orders and injunctions, which will give its traditional sense, is so necessary a groundwork to proceed upon, that I must begin there, in order to set the proposed inquiry upon its true bottom. I gave you some proof

in my last charge upon the preceding ten canons, how requisite it was to have recourse to former constitutions, in order to understand their meaning and drift. The advantage of which retrospect will be equally apparent in this, which we are now considering; for we must necessarily be much in the dark about it, without calling in the light which our Church History since the reformation will afford us. Which I shall therefore collect and exhibit in the shortest and best manner that I can.

It was a custom of preachers in the popish times, in some part or other of the sermon, but generally about the beginning, to bid the beads, or advertise the audience to say an Ave Maria or a Pater Noster, for a blessing upon the word to be delivered to them, and for all necessary graces to be bestowed both on the preacher and themselves<sup>b</sup>.

<sup>b</sup> The bidding of the beads was at the discretion of the preacher, for such things as best suited the present occasion. Thus in sermons, at funerals, or at commemorations of the dead, the beads were bid for the souls departed. Of this we have an instance in Fisher bishop of Rochester's sermon, at the funeral of Henry VII. in 1509, who in the middle of his discourse bid the beads in this form:

“ Let us helpe hym at the lest with our prayers besechynge  
“ Almyghty God for his infynyte mercy to delyver his soule  
“ and to pardon it. And, or we procede any ferder of our  
“ psalme, let us here devoutly and affectually saye for his soule,  
“ and all Crysten soules, every of us, one Pater Noster.”

We have another instance of the same bishop's bidding the beads for Margaret countess of Richmond in the same year, at a commemoration of her obsequies in these words:—“ But we  
“ shall with moost entyer mindes beseche hym to accepte that  
“ swete soule to his grete mercy to be parteyner of the ever-  
“ lastynge lyfe with hym, and with his blesynd sayntes above in  
“ heven; which I pray you al nowe affectually to pray, and for  
“ her now at this tyme moost devoutly to say one Pater Noster.”

Now from hence king Henry VIII. took an handle to introduce a public acknowledgment of his being supreme head of the church of England, by an appointment<sup>c</sup> that for the future all preachers whatsoever in bidding the beads should pray for him, as being the only supreme head of the catholic church of England, with some other particulars plainly denoting this order to be the foundation of the injunctions that afterwards followed about bidding of prayers.

But the thing principally to be taken notice of in this order, as most to our present purpose, is this expression in it, viz. that the preacher “in the bidding of the beads shall pray for such and such particulars, and in manner and form, and word for

<sup>c</sup> This was entitled, “An Order for preaching and bidding the Beads.” It was framed in 1534. In which, says Strype, “forms were devised for the beads, as well for preachers as curates.” Vit. Cranmer, p. 25. But afterwards, in his Memorials of Hen. VIII, he speaks of two orders to this purpose, one for preachers in 1534, and another for curates in 1535.

He calls the former a remarkable order given out for preaching and bidding the beads, in all sermons to be made within the realm: wherein, as to the prayers, it was commanded to pray for the king and queen Anne, and the lady Elizabeth, daughter and heir to them both, and to add no more. Mem. vol. i. p. 169.

See more of this order in Heylyn’s Historical and Miscellaneous Tracts, p. 147.

The order itself may be seen at length in Burnet’s Hist. Ref. vol. iii. Collections, No. 29; and in Collier’s Ecclesiastical History, vol. ii. p. 100, where it is entitled, “Orders for regulating the Pulpit and bidding of Beads, set forth by the King and Council.”

But in the following year, viz. 1535, another book was framed for the use of curates, of the same nature with this. Strype’s Mem. of Hen. VIII. p. 194. Of which we shall have occasion to speak more hereafter.

“ word, as is therein ordained and limited.” To attempt any other exposition of these words, than what is to be gathered from the practice of the preachers conforming to them in those times, would be going quite out of the merits of the question. The instance I am going to give of bishop Latimer’s manner of obeying this injunction is worth a hundred surmises that are ungrounded on precedent. In a noted sermon<sup>d</sup> of this bishop before the convocation, and within two years<sup>e</sup> after this order of king Henry’s was published, he bids the prayers, after having opened his subject, in these expressions: “ I pray you all to pray with me unto God, saying “ even the same prayer which Christ himself did in- “ stitute. Wherein we shall pray” (note these words) “ for our sovereign lord the king, chief and supreme “ head of the church of England,” &c. And then at the conclusion he says, “ For these graces, and what “ else his wisdom knoweth most needful for us, let “ us pray, as we are taught, saying, Our Father,” &c.<sup>f</sup> The points to be chiefly noted here are these. First, that he had the king’s order about the beads in his eye; for he takes in all the material parts of it. Secondly, that he bid the prayers in a form properly invitational, for he makes therein no address to God till he uses our Saviour’s own words. And, lastly, that he prayed for all the particulars he had been recommending to the devotions of the people, when he himself repeated the Lord’s prayer; for he

<sup>d</sup> This Latin sermon was translated, and is among his works.

<sup>e</sup> The order, says Strype, was about June 1534. This Latin sermon was preached the 9th of June 1536.

<sup>f</sup> See Latimer’s Sermons, 4to, p. 8; and Dr. Heylyn’s Hist. and Misc. Tracts, p. 151, where the passage is given entire.

supposes and declares them all to be included in that, or comprehended under it.

We are now the better prepared for understanding the next order to this purpose set forth in 1547, at the foot of king Edward's Injunctions, and entitled<sup>g</sup>, *The Form of bidding the Common Prayers*. A title that will not surprise us, when we recollect that there was, as yet, no protestant Liturgy established.

And here in the very beginning of this form doth that style occur, which hath been since continued in the canons, and hath given rise to our present question, “ You shall pray;” an expression, which however doubtful it may seem to us now, was then of all others the plainest, and least liable to be mistaken<sup>h</sup>. For it was the old style in bidding the

<sup>g</sup> The expression of *bidding the beads* was now no longer used, as savouring of popish superstition. For, in these very Injunctions, the “praying upon beads” is reckoned among the “works “ devised by men’s phantasies, and besides scripture.”

And this form of bidding very naturally follows immediately after the last item of the Injunctions, which is, “when any service<sup>h</sup> or homily shall be had, the Prime and Hours shall be “ omitted.” The bidding of prayers then was only to be used when there was a sermon or an homily, and this by way of supplement, or instead of the Prime and Hours which were then to be omitted. And, being the only prayers that were to be publicly used at those times, might properly enough be styled the Common Prayers on those occasions; especially as they succeeded in the room of the beads, which had been in the popish times very justly looked upon as the Common Prayer of the populace. Of which see more below. It was after these times that the reformed Liturgy, established in England, so engrossed the name of the Common Prayer, that it could not be properly used for any other service.

<sup>h</sup> It is the same that had been in use for some years in bidding the beads, the form of which was, “Ye shall kneel down on

beads, and that to which the bulk of the clergy throughout the realm had been most accustomed : and which no doubt was preserved by most of them in bidding the beads under king Henry VIII.'s order<sup>1</sup>.

“ your knees, and lyfte up your hertes makynge your prayers  
“ unto Almyghty God for the good estate and peace of all holy  
“ churche, &c.—Also ye shall praye for the holy land, &c.—  
“ For all these and for all Chrysten men and women ye shall say  
“ a Pater Noster and an Ave Maria,” &c.

This form, which is a long one, will be found in the History of the Reformation ; but is more correctly given by Strype in his App. to the first vol. of Memorials, No. 37. under the title of *The Bedes on the Sunday as anciently used.*

<sup>1</sup> The ancient form, just now mentioned, had been reprinted in a book called The Festival so late as 1532, two years only before the king's order for the beads. Strype's Mem. vol. i. p. 138. And, if that had not been a sufficient direction to the inferior clergy, care was taken they should not want one. For in the book framed for curates above mentioned, in 1535, certain alterations were made purely for their use by Thomas Bedyll clerk of the council, of which he himself gives this account : “ In the beginning,” says he, “ where it is written, *They shall preach and declare*, I have altered it through the book thus : “ —*I declare unto you*, or thus, *Ye shall understand*. For else “ I suppose many of the curates be so brute that they would “ read or speak every word as it was written, and say of them- “ selves in the pulpit, *They shall preach and declare*,” &c. A notable instance how much accustomed to prescribed forms the curates were ; as well as a sad instance of the necessity of prescribing to supply their ignorance. See Bedyll's letter to the king's visitors at length in the Appendix to Strype's first vol. of Mem. No. 55.

Let this only be further added, that in the articles for the Royal Visitation in 1547, under the head relating to parsons, vicars, and curates, there is the following item, viz. “ Whether “ they bid the beads according to the order prescribed by our “ late sovereign lord king Henry VIII.” Strype's Memorials of king Edward, p. 51.

And though the bishops<sup>k</sup> and preachers might be indulged in the liberty of framing their own ex-

<sup>k</sup> The practice of the bishops, under these Injunctions by king Edward VI, seems to have been the same as under king Henry's order. For we find bishop Gardiner in the year 1550 (three years after the Injunctions were set forth) bidding the prayers in his majesty's presence in these words:—“Most honourable audience, I shall desire you all that we may jointly pray together for the assistance of his (God's) grace; in which prayer I commend to Almighty God your most excellent majesty,” &c. Concluding at last in this manner, “for these things and for grace necessary, I shall desire you to say a *Pater Noster*.” Heylyn's *Hist. and Miscel. Tracts*, p. 155.

Another instance of the same kind and in the same year we have in a sermon of bishop Latimer's at Stamford, Oct. 9. In which immediately after his *Exordium*, his bidding of prayer stands thus in his printed works, p. 88.—“And that I may at this time so declare them as may be for God's glory, your edifying, and my discharge, I pray you all to help me with your prayers.

“In the which prayer, &c. For the universal church of Christ, &c. For this and all other graces, let us say the Lord's prayer.”

It is observable of both these bishops, that they end with the Lord's prayer, and indeed refer to it as a necessary appendant of their exhortation, though it be not directed in the form to be said. From whence may be inferred, that the form of bidding did so evidently require the Lord's prayer to follow it, and custom had so strongly established the usage, that it was needless to make particular mention thereof.

There is indeed an instance quoted of bidding prayers under this Injunction, wherein it is not said that the Lord's prayer was repeated in the conclusion, but only *hic factæ sunt tacite preces*. This is from Bucer's *Scripta Anglicana*, wherein Dr. Parker's sermon at the funeral of Martin Bucer, in 1551, is translated into Latin. At the end of which he bids the prayers in a rhetorical way, but in substance according to the Injunctions. And at the conclusion it is only said, that “prayers were put up in silence.” From whence Dr. Heylyn infers, that the ministers did not al-

hortations, as heretofore, provided they did it to the same effect with the injunction, yet there is no reason to suppose but that the non-preaching ministers throughout the realm would be as content to use a prescribed form of bidding prayers, as to read a homily. And as it doth not appear that the bishops and preachers did at any time in all this reign, or for some years afterwards, convert the exhortation into a prayer or invocation, much less can it be presumed that the curates and inferior clergy should offer at such a change. Or, if they had, that they would have been allowed in so doing. For, if they were not to be trusted with a liberty of preaching, how much less with a liberty of prayer?

We come in the next place to the injunctions of queen Elizabeth in 1559. At the end of which there is another order of the same tenor with king Edward's, but something diversified. It is entitled now, “The form of bidding the prayers to be used “generally in this uniform sort.” Upon which title a query presently arises, whether “generally” is to be understood without any exception, and “uniform” without any variety? Of which the readiest solution that occurs to me is this, viz. that the constant and known usage of the clergy, in those times, would sufficiently ascertain the meaning of this title: that it was intended to confine the generality

ways use the Lord's prayer, “but that the people were left to “recollect the heads recommended to them, and tacitly to re-“present them to the Lord in their devotions.” Hist. and Miscel. Tracts, p. 154.

But it may well be questioned, whether there be sufficient authority for this conclusion, from the bare omission of the Lord's prayer in this passage. It may still be presumed to have been used on that occasion, after some pause for secret prayer.

of the clergy, that is, the non-preaching ministers, to the invariable use of this very form ; but that it left the bishops and preachers to the liberty they enjoyed before, of framing their own exhortations to the people upon the tenor of this form. Which begins with “ Ye shall pray for Christ’s holy catholic church,” and so on to the end, almost *verbatim* with our present canon ; saving that the words at the end, “ always concluding with the Lord’s prayer,” were not as yet added.

Now what I am principally concerned to observe upon this order of queen Elizabeth’s, of which our canon is no more than a republication, is this : that it never was intended to be made use of “ in the form of a prayer.” For the proof of which I need only mention these two things.

First, that the use of any prayer whatsoever in public, otherwise than was appointed in the Service-book, was prohibited by the Act of Uniformity, which passed a little before these Injunctions were published. And it is not to be conceived, that the compilers of them should set forth an order that should interfere and clash with that act of parliament<sup>1</sup>.

Secondly, that the additions made to king Ed-

<sup>1</sup> The clause referred to is this : “ If any manner of parson, vicar, or any other minister —— shall wilfully —— use —— any other *open* prayers, than is mentioned and set forth in the said book [by *open* prayer, in and throughout this act, is meant that prayer which is for others to come unto, or hear, either in common churches or private chapels, or oratories, commonly called the service of the church] —— he shall lose and forfeit to the queen’s highness —— for his first offence the profit of all his spiritual benefices,” &c. Act of Uniformity, primo Eliz.

ward's order in this of queen Elizabeth's are such as cannot with any propriety be inserted or made use of in an address to God: and therefore never were designed to be the form of a prayer. As, for instance, here is a definition of the catholic church introduced in these words, "that is, for the whole "congregation of Christian people dispersed throughout the whole world;" which however proper for the instruction of the people in an exhortation to prayer, that they might know what they prayed for as protestants, under the term "catholic church," yet is by no means proper in a form of invocation.

So again, in giving the list of the queen's royal titles, the addition of the "kingdom of France," and of "defender of the faith," which were not in king Edward's order, however just, as civil distinctions, to be owned and preserved by the subject, are highly unsuitable to the nature of an address to Almighty God. In all our other public offices of prayer you may observe a great decency and moderation in setting forth the royal prerogatives: when we mention our prince, it is under these terms, "our most gracious sovereign lord," or "thy servant our most gracious king and governor." Or, at the most, "thy chosen servant, and our most religious and gracious king." But now in this injunction all the characters of the imperial crown are displayed, and ushered in with the greatest pomp. It is "the queen's most excellent majesty, our sovereign lady Elizabeth, queen of England, France, and Ireland, defender of the faith, and supreme governor of this realm, as well in causes ecclesiastical as temporal." Doth this comport with the idea of a supplication at the throne of grace? Can

we plead before God a title of this crown given by the pope to king Henry VIII, for writing a book in defence of the church of Rome, or a claim of this crown to a neighbouring kingdom, which, though once in some measure conquered, was yet never obtained or possessed? If it be said that these very words might not be designed to be put into a prayer as being incongruous, but only something to the general effect thereof; I would ask, why then were these very words superadded to the form appointed by king Edward? If they might be at all dispensed with, they were superfluous. But, if they made a necessary part of the form, it could not be meant as a form of prayer, because the style and diction forbid such a construction.

Yet notwithstanding it must be owned that the usage of prayers before sermons began to prevail in this queen's reign. But still this will make nothing against the meaning or authority of this injunction, when we remember that such practice took its rise from the puritans, who studied rather to imitate the institutions of Calvin at Geneva<sup>m</sup>, and Knox in Scotland, than conform themselves to the establishment at home<sup>n</sup>. They excepted like-

<sup>m</sup> “They were for nothing but Geneva psalms and sermons, “condemned the Common Prayer, and the whole constitution “of the church.” Bishop of Norwich’s Articles against sir Robert Jermyn, &c. Strype’s Annals, 2 Eliz. vol. iii. p. 20.

<sup>n</sup> In their book of discipline were these articles concerning preaching:

“1. To appoint a psalm before and after sermon.  
 “2. To make confession of sins, and to pray for the good  
 “delivery of the word and receiving it.  
 “3. To pray after for all estates, and for a blessing upon the  
 “word received.”

Taken

wise against certain expressions in the bidding form, as that of the queen's being supreme governor<sup>o</sup> of the church, and that of archbishops and bishops<sup>p</sup>; and also against the use of the Lord's prayer<sup>q</sup>; all

Taken out of Thomas Cartwright and others their answer to the bill against them in the Star-chamber, 1591.

Strype's Whitgift, App. to book iv. No. 4.

When Robert Wright the puritan was charged, that "in preaching he used to say prayers of his own devising," he answered, that "he prayed as preachers used to do in all places, and altogether in prescript words: but as the occasion fell out in some points. Yet he ever prayed for the queen's ma-jesty, and for the lords of the council, and for all ministers of God's word." Strype's Annals of Queen Eliz. vol. iii. p. 124. and Appendix, No. 23.

<sup>o</sup> By this confession it may appear how the puritans dealt with the "bidding form."

1. They changed it into a prayer. This was the Geneva way: and according to their book of discipline.

2. They dropped therein some things that gave them offence, as the queen's title of "supreme governor," holding that "there is no head or supreme governor of the church of God but Christ." Strype's Annals, Eliz. vol. iii. p. 579. Much less could a woman be so.—"Forget the glorious title of supreme go-vernour, for that cannot agree with your sex. Luther and Calvin did not allow it; the puritans smile at it, and the catholic world doth condemn it." Parry's Letter to Queen Eliz. from the Tower, 1584. Third vol. Annals, Eliz. Appendix, No. 46.

<sup>p</sup> To pray likewise, or bid prayer, for archbishops and bishops went against them: as being the style of an hierarchy not appointed in scripture.

<sup>q</sup> And, lastly, they were against the use of the Lord's prayer, as a set form, which yet was necessarily to be used by those who complied with the queen's Injunction in the bidding way. The puritans called the Barrowists first maintained "that it was not lawful to use the Lord's prayer publicly in the church for a set form of prayer." Strype's Annals of Queen Eliz. p. 143. See more of this confessed by John Dove, Annals of Queen Eliz. vol. iii. p. 579. As that "in their conventicles they use

which they could evade and model to their own minds, by the device of a prayer instead of an exhortation. To what degree this practice might spread among the preachers and lecturers in those times, many of them being puritanically inclined, I cannot say<sup>r</sup>: nor is it to our purpose to inquire, since there is no doubt to be made either of the intention of the injunction, or that all the clergy<sup>s</sup>

“ not the Lord’s prayer, nor any form of set prayer. To that  
 “ which is alleged that we ought to say the Lord’s prayer, be-  
 “ cause our Saviour Christ saith, *When you pray, do you say*  
 “ *thus*; they answer, he did not say ‘ Read thus, or pray these  
 “ words,’ for that place is otherwise to be understood: namely,  
 “ all our petitions must be directed by this general doctrine.”

<sup>r</sup> Dr. Heylyn quotes an expression of a preacher from Bancroft’s Dangerous Practices and Positions, in these words: “ *Ego*  
 “ *singulis sabbatis, si non alias adveniens locum suppletat (cum*  
 “ *præscripta liturgiæ formula nihil habens commercii) in cœtu*  
 “ *concionem habeo.*” And what he professed for himself, was  
 then the practice of many more. Heylyn’s Misc. Tracts, p. 156.

<sup>s</sup> Dr. Heylyn quotes enough out of the works of those great men, bishop Jewell and bishop Andrews, to shew that they followed the exhortatory way according to the Injunction. And the same may be taken for granted of all the ecclesiastical commissioners; (who were the most eminent among the English clergy;) those especially, who in their directions to all churchwardens, &c. in the 13th year of the queen’s reign, insisted, among other things, upon this: that they should “ in no wise  
 “ suffer any person or minister to say any public prayers in any  
 “ of their churches or chapels, otherwise than is appointed by  
 “ the Common Prayer.”

I find, indeed, archbishop Sandys concluding a sermon at St. Paul’s Cross on a public thanksgiving, with a large prayer of thanksgiving. “ Which,” says Mr. Strype, “ may deserve re-  
 “ mark.” Annals of Queen Eliz. vol. iii. p. 327. Yet he probably used the form of bidding before sermon, as others did. I find likewise in a book published in 1566, and perused, and allowed by authority, by Thomas Becon, entitled A Postill, or Sermons

who paid any regard to it, or made it the rule of their practice, fulfilled it in the bidding form.

We are now come up to the question in hand, concerning the meaning of our present canon, with all the advantages that the history of it can give us. And I shall have little more to do than to collect together, in the closest manner that I can, what is or may be said on either side, to support the practice of “a prayer before sermon” in some of us, and of “an exhortation” in others.

The advocates for a prayer have thus much to allege for it, that the few additions made in this canon of 1603, and the new title given to it, whereby alone it differs from the former injunction of queen Elizabeth’s, are such as seem rather designed to countenance prayer, a practice already introduced by custom, than to prohibit and exclude it.

They observe, for instance, that the title of the canon is no longer “the form of bidding the prayers,” but “the form of a prayer to be used by all preachers before their sermons.” And in the Latin title

for all Sundays in the Year upon the Gospels, (to be read by curates to their congregations,) prayers composed, to be used, both before and after sermon.—“To which Postill,” says Strype, “two prayers are added, either of them to be said before sermon, a longer and a shorter, according to the minister’s discretion; and another prayer or thanksgiving to be said after sermon. These prayers and these sermons were framed for ministers of less abilities to invent and compose prayers and sermons for themselves.”

Strype’s Life of Parker, p. 228. The use of this Postill might be allowed unlearned curates, as was also the use of Bullinger’s Decads, translated for the same purpose. But neither of them were of equal authority with the queen’s Injunctions.

*formula precationis a concionatoribus imitanda.* And though the general scheme of the prayer which they are to follow be afterwards laid down in the body of the canon, in the very same terms in which prayers were formerly bidden, yet the title, by denominating the whole “the form of a prayer,” sufficiently determines the nature of the composition to be made and used by the preacher.

They observe further, that the words of the preamble, which were added at the same time with the title, may be looked upon as further explaining in what sense the old bidding form is now to be accepted: “Before all sermons,” &c. “Ministers shall “move the people to join with them in prayer in “this form or to this effect.” The Latin hath it, *ut secum in precibus concurrat in hunc aut similem modum.* That this sentence is as literally and as grammatically construed, by interpreting it of the ministers “praying in this form or to this effect;” as it is by understanding it of his “moving” the people “in this form or to this effect.” The only difference will be, that, if it be taken in the former acceptation, the words immediately following, “Ye “shall pray,” must necessarily be expounded as an injunction upon the ministers to form their prayers upon the heads there laid down. That by thus changing the subjects of these clauses of direction, and transferring the application of them from the people to the preachers, the whole is consistent with itself, and accords extremely well with the title; in which no mention is any longer made of bidding, as ought to have been, had the old form been yet retained to that use and purpose.

And further that the addition of the Lord’s prayer

by an express command at the end of the canon for its perpetual usage, corresponds with the foregoing directions: and might be enjoined for this reason, lest it should be discontinued or thought superfluous by this alteration made in the whole meaning of the canon. That it had not been held requisite to subjoin it expressly to an exhortation, because it seemed to be a necessary appendage to such a form, being the summary of all that the people had been *bid* to pray for. But, that reason ceasing upon this change, it appeared to have been ordered on another account, viz. to supply the defects of the ministers' addresses, and shut up in a most comprehensive form his imperfect prayers.

And this whole interpretation of the design of the canon is not only supported by the prevailing practice of the clergy throughout the realm, but confirmed in the sixth article<sup>t</sup> of his late majesty's directions to the metropolitans and their suffragans, in the year 1714, wherein, by way of animadversion upon those who use only the Lord's prayer, with a collect perhaps, before sermon, and by that means totally omit his majesty's titles, it is observed that the canon prescribes the Lord's prayer, as the conclusion only of "the prayer" before sermon, and not "the whole prayer," and therefore the clergy are

<sup>t</sup> Whereas we are credibly informed that it is the manner of some in every diocese, before their sermons, either to use a Collect and the Lord's prayer, or the Lord's prayer only, (which the fifty-fifth canon prescribes as the conclusion of the prayer, and not the whole prayer,) or at least to leave out our titles by the said canon required to be declared and recognised: we do further direct, that you require your clergy in their prayer before sermon, that they do keep strictly to the form in the said canon contained, or to the full effect thereof.

required from thenceforward in their prayers before sermon to observe the canon strictly. And this may be looked upon as an authoritative interpretation of the canon coming from the supreme head of the church, and transmitted from thence to the clergy by the archbishops and bishops, who are *Custodes Canonum*; the persons invested with proper powers to see them duly executed.

Here you have, as I think, the strength of all that is to be said on this side of the question. Let me now do equal justice to the maintainers of the other opinion.

They will tell us, that this fifty-fifth canon, being beyond all controversy a repetition, or a revival, of a former injunction, cannot be supposed, at least so far as it is word for word the same, to express a new intention, or to warrant a new practice, and such a practice as was contrary to the act of uniformity then in force. And that to expound it in a different sense from that constitution of which it is properly the restorative, is quite arbitrary, and without any reasonable foundation. That the few additions made to it in 1603, which have given the handle to pervert its meaning, are, when rightly understood, further explanations of its primitive intention: and serve only to secure it against the liberties that had been taken with it; especially that of devising prayer before sermons, which was growing into use very fast in the beginning of king James's reign.

Every one who reads these canons will perceive, that in them all both preachers and non-preachers are recalled to their respective duties, and have their several provinces assigned them. They are

distinguished in this very canon from each other by the names of preachers and ministers. A distinction that had been needless, if the canon had not expressly required this form to be used before all homilies, as well as before all sermons and lectures. The curates and readers, who are here called the ministers, were confined to the use of homilies, and might not deliver in public any compositions of their own: and therefore were obliged to use the same form of exhortation, as laid down in the canon, which had been prescribed them by queen Elizabeth. But, on the other hand, the preachers (by which all along in these canons are meant the bishops, and clergy with preaching licences) are allowed the same liberty of diversifying the expressions of their exhortations, which they had formerly been indulged in. And to them it is permitted “to move the people to join with them in prayer” either in the form prescribed, or to the effect thereof; with a caution however to use brevity.

And this will help to explain the title of the canon, *Formula precationis a concionatoribus imitanda*. Why not also, *a ministris imitanda*, who were equally concerned in the canon, and perhaps were by ten to one the majority? Why, I have given you the reason; the canon was to them the same word for word, that it had been from the year 1559, viz. “a form of bidding prayers generally to be used in that uniform sort.” So that provision is hereby made for the regular practice both of preachers and readers. And as the title of queen Elizabeth’s Injunction, just now mentioned, related immediately to readers only, but not so as to release preachers from their accustomed conform-

ity to it ; so the title of this canon relates immediately to preachers only, but not so as to give liberty to the readers to break through the limitations prescribed them.

The only thing remaining to be accounted for, is, why the canon should be entitled *a form of prayer*, or *formula precationis* ; to which it may be answered, that, how improper soever this title may seem for an exhortation concluding with the Lord's prayer, yet if it be remembered that we meet with it in a body of constitutions grounded upon former ordinances, and adapted to them both in matter and expression as much as possible, and that in a former order, to which this canon particularly relates, there is the same seeming inaccuracy of phrase, viz. that “ the preacher in bidding of the beads shall pray,” by which no more was meant, than his usage of the Lord's prayer after having briefly recited the points to be summed up in that comprehensive form ; I say, when this is taken into consideration, there will remain no difficulty in interpreting *formula precationis*, according to the old style, “ a directory of “ prayer,” or a summary of those heads or articles which are proper to be included in our wishes and desires in our public usage of the Lord's prayer before sermon. And for this reason even queen Elizabeth's bidding form hath been, on occasion, styled a prayer<sup>u</sup>, which may the easier reconcile us to that

<sup>u</sup> In the collection of Dudley Fenner's sentences made by lord treasurer Burghley, (Strype's Life of Whitgift, p. 124. ad an. 1583.) there is towards the end this following :

“ A supplement to the prayer since the time of my lord arch-“ bishop,”—(meaning Whitgift,) viz.

“ Ye shall pray also, that God would strike through the sides

sort of canonical language, if we meet with it so late as in the king's directions in 1714 abovementioned, wherein his majesty required of the clergy, that "in their prayer before sermon they should "keep strictly to the form contained in the canon," when yet that form is neither a prayer itself, nor convertible with propriety into a prayer, "if strictly "kept to," in those points especially which the canon (as is observed in the said directions of his late majesty) "requires to be declared and recognised." A difficulty more likely not to be attended to, than easy to be got over by those who interpret this direction of a prayer properly so called.

If, lastly, it should be asked, how it came to pass that the Lord's prayer, which was omitted in the former bidding forms, should be expressly commanded in this, if this was yet to retain the nature of an exhortation; they who plead on this behalf have their answer to give, as well as the advocates for prayer. For they will say that the practice of composing prayers introduced by the puritans, and coming into vogue when these canons were drawn up, made it highly proper to close this canon with the advertisement in these words, "always con- "cluding with the Lord's prayer," both to warn the preachers that the Lord's prayer is never to be dropped before sermons, of which omission some of "of all such as go about to take away from the ministers of the "gospel the liberty which is granted them by the word of "God."

That this was meant of queen Elizabeth's bidding form, is evident from the phrase "Ye shall pray." And, being called a supplement to "the prayer," it is evident that the said form was known by that style.

the puritans were guilty ; and also, and principally, to prevent their mistaking an expression in the preamble, where it is said they shall move the people to “join with them in prayer :” which, lest they should be induced to misinterpret of a prayer of their own composing, they are here taught to refer it, and apply it to the Lord’s prayer, as the appointed conclusion of their form of exhortation. A caution which heretofore had been perfectly unnecessary, and therefore not to be found at the foot of the old bidding forms ; but added nevertheless very seasonably to this for the foregoing reason.

And thus I have laid before you the arguments and motives by which the clergy have guided themselves, though in a different conduct, in this yet unsettled point. It were to be wished, for the sake of uniformity, that the matter were finally decided by some proper authority\*. And, till it shall be so, I do not take upon me to censure the proceedings of any of my brethren in this business ; unless it be of those who can content themselves at all times with the bare use of a collect before sermon. They who

\* In the year 1661, there is found this entry in the journal of the upper house of convocation—*Reverendi patres unanimi consensu et assensu in votis dederunt pro unica forma precum tam ante quam post sermonem sive orationem prædicatam usitanda et observanda per ministros intra provinciam Cant.* And that this order was pursued in convocation, though not to effect, appears from the minutes of the lower house ; where, Jan. 31, we find a committee appointed for this (among other purposes) to compile “a prayer before sermon.” Bishop Gibson’s Cod. vol. i. p. 381. Under the title of “the prayer before sermon.”

Hence may be gathered in great measure the sense of that convocation on the present question.

adhere to the very letter of the canon, without any deviation from the expressions in it, save in the alteration of names in the recital of the royal family, are no doubt *canonum observantissimi*. Faction and party, which are ever unreasonably censorious, may possibly lay hold on this sacred adherence to form as a pretence of suspecting and aspersing them, as if they chose rather to bid and require their audience to pray for the king and royal family, than to offer up their own prayers on that head. And some unthinking people may perhaps, from a foolish delicacy, apprehend something offensive, if not indecent, in the use of a mere monitory form. But this can only arise from their being unacquainted with the canons, and the reasons upon which they were originally framed, and now stand. For there is room for neither of these exceptions, when the drift and use of the bidding form is rightly apprehended.

And, on the other hand, they who throw the whole into a prayer before their sermons, I mean a prayer properly so called, with suitable enlargements of their own, provided they keep to the order and effect of the canonical form, and do it likewise as the canon admonishes, that is, “briefly as conveniently they may,” are by no means to be charged on this account with wilfully breaking or contravening the canons: especially as they may plead a plenary indulgence for what they do, from the third class of dispensations formerly treated of; that is to say, they may justify their own practice herein, from a common custom of the clergy<sup>y</sup>, supported by

<sup>y</sup> This custom began to prevail early after the publication of the canons. Heylyn, writing in 1637, tells us, “that the

a general tacit allowance of all the ordinaries of the realm ; nay, what is more, countenanced and approved by the public example of many of the bishops, if not of most of them within the last age<sup>z</sup>.

Nor must I omit to speak a word or two in behalf of a third set of preachers, who take, as it were, a middle way between the two former, and instead either of abiding by the monitory form of the canon closely and *verbatim*, which is too commonly disrelished by the auditors ; or, on the other hand, using a prayer of intercession, which is against the tenor of the canon ; contrive, by a very honest policy, to disguise a real exhortation, by introducing it with an *Oremus*, “Let us pray ;” the common invitatory sentence in all liturgic offices, and the most apposite expression that can be used for moving the people to prayer as the canon directs. By this prudent expedient, they avoid the imputation of requiring others to pray for what they care not to join in themselves, and yet preserve the true nature and mode of an exhortation. They literally comply

“ usual form of bidding prayers was in a manner laid aside by “ all sorts of men ;” among which he reckons “ some not other- “ wise ill affected to the order of the church. So that it was “ then forced to plead its birthright, and seek for repossession “ as *ex postliminio*.” *Misc. Tracts*, p. 157.

<sup>z</sup> But this was not to be said before the restoration. For, according to Dr. Heylyn, “ both the archbishops, and greater part “ of the bishops, used no other form than that of bidding or “ moving ; and so did many ancient doctors, both in the uni- “ versities and in cathedral churches, who, being originally “ accustomed to the form of bidding, had not yet turned their “ style to a form of praying.” This is to be understood of their practice in the year 1637. *Ibid.* p. 152.

with the directions in the canon, and yet do not disappoint or prevent those who choose to take what they say in the form of a prayer from taking it and using it as such.

It is of no consequence at all to the subject for me to discover my own private opinion, (if it is not already collected from what I have said,) which of these three ways should be preferred as most eligible. Nor yet need I make any scruple of owning, that I have espoused in my own constant practice, from the beginning, this last way of accommodation just now mentioned. Not indeed relying therein altogether on my own judgment, (which is not much to be trusted now, but was less so when I first entered upon this practice,) but influenced by the sentiments and perpetual usage of some very wise and discerning persons, whose authority, in such a case as this, could not but have the greatest weight with me. Nevertheless I entirely leave you, my brethren, to your own sense of the thing, and to act therein as in your own judgment you see best.

## VISITATION CHARGE ANNO 1746.

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### DISCOURSE XI.

*Upon the fifty-sixth and fifty-eighth Canons, about Preachers and Lecturers, and their habits in Divine Service.*

REVEREND BRETHREN,

THOUGH I have perhaps oftener tried your patience, than given you satisfaction in what I have hitherto discoursed upon the canons; being a subject neither capable of being so embellished as to become entertaining, or of being so thoroughly cleared up, by any skill of mine at least, as to be altogether free from doubts and exceptions; yet as I do not know how I can better employ the time which you are pleased to allow to the privilege of my office on these occasions, than in pursuance of the same scheme of commenting on the canons, in which I have now made some progress; I shall, by your leave, and without further ceremony, proceed, as in due course and order I should, to the fifty-sixth canon, entitled, “Preachers and lecturers to read divine service, and administer the sacraments twice a year at the least.”

And let us inquire first into this distinction between preachers and lecturers. For, as we find preaching and reading of lectures often mentioned in the canons as two distinct offices, one would imagine at first sight that these terms, “preachers

“ and lecturers,” were designed in this title to denote, as in other places, persons appointed and licensed to different functions. But the Latin title of the canon forbids this interpretation, for in that they are indiscriminately called *ministri mere concionatores*. Which character, being common to both, will admit of no further distinction between them than this following, viz. that the former, styled “the “ preachers,” were those persons described in the canons above, who had faculties to preach at large throughout a whole diocese or province, or throughout the whole kingdom: whereas the latter, styled “ the lecturers,” were such as had license to preach only in some particular church or chapel.

But neither doth this distinction sufficiently determine the persons to whom this canon principally relates. For they are further described, in the body of it, by these following characters. The former are such licensed preachers only as hold benefices with cure: *ministri in beneficio curato constituti*. And the latter are such only as the canon styles *concionatores stipendiarii*, persons licensed by the bishop to some particular church or congregation, upon an establishment of a salary independent on the cure of souls, whether “they read lecture,” (mind these words,) whether “they read lecture, or cate-“ chise, or preach therein.”

It may not be improper, on the mention of these three offices to which lecturers or stipendiary preachers were appointed, to look back into the rise and use of lectures in this kingdom, and to shew how they became at last settled upon that footing on which they now stand.

In the popish times there were divinity lectures

read publicly in the universities. But these were chiefly formed from the schoolmen, and consisted for the most part in comments upon the Sentences. The first that deserved the name of *lectures* in divinity, as being expositions of the holy scriptures, were begun in Cambridge, about the year 1524, by one Stafford<sup>a</sup>, who was university preacher; that is, one of the twelve whom the university had a power of licensing by a grant from the pope<sup>b</sup>. And, as these lectures were profitable for the students there, so we find a like method of instruction was introduced into the convents, where persons<sup>c</sup> were licensed by the bishop to read divinity. And the theological lectures in cathedral churches were of the same sort, that is, intended for the use of parsons, vicars, and chantry priests, who were enjoined to attend the said lectures<sup>d</sup>. And thus far they were sufficiently distinguished from sermons or popular discourses.

But when they came to be introduced into parish churches, in the great and populous towns, either upon the settlement of a stipend to support a lecturer, or upon the voluntary contributions of the inhabitants, under the license of the bishop, it was natural to expect they would by degrees be con-

<sup>a</sup> George Stavert, alias Stafford, of Durham, B. A. 1515. chosen fellow of Pembroke hall, &c. See Strype's Mem. vol. i. p. 48.

<sup>b</sup> See his Life of Parker, p. 193. and App. No. 35.

<sup>c</sup> Shaxton's letter to Cromwell, relating to the reader of divinity in the abbey of Reading in his diocese, whom he had inhibited, on account of ignorance, and false doctrines. Strype's Mem. vol. i. App. No. 61.

<sup>d</sup> See king Edward VI.'s Injunctions to the Visitors of the Churches of Westminster, London, Norwich, and Ely. Strype's Mem. vol. ii. p. 47.

verted into such practical discourses as the preachers generally made. And so it hath proved in the event. For, though the name of *lectures* is still retained, yet they are become in effect one and the same thing with preaching; this difference only remaining, that a lecture is a sermon *extra ordinem*, performed by a stipendiary preacher, as being no part of the duty incumbent on the minister of the parish; and on such days, or at such hours, as that they do not interfere with his offices and ministrations. What indeed comes the nearest to the old design of lectures, are those that are appointed to be read yearly on particular subjects, as Mr. Boyle's and lady Moyer's lectures, and likewise such catechetical lectures as are kept up by the clergy in some large and populous towns.

But to return now to the subject of the canon.

It is to be remembered, that, before and at the time of compiling these canons, there were several licensed preachers who made it their whole business to exercise their talent that way, some of whom had benefices with cure, but were nevertheless allowed to have substitutes in their own churches, that they might the better attend the business of preaching abroad, Can. 47. Now it was only these men who had churches or cures of their own, where nevertheless they did not reside by virtue of their preaching licenses; and the stipendiary preachers who discharged an extraordinary duty in some particular churches where they had no cure, that are the persons intended in this canon under the title of *mere concionatores*; and the design of the injunction is plainly this, that neither the one nor the other should hold themselves exempt from the ordinary

ministrations of the church, by virtue of their preaching faculties: but that both of them should give proof of their conformity to the established service and rites of the church, and should repeat that proof annually; the preachers in the churches where their benefices lay, and the lecturers in those where their respective lectures were founded.

And the reason of this injunction may be gathered from a circumstance of those times, which I have before taken notice of for the explaining some of the former canons, viz. a prevailing puritanical disposition in many of the clergy, who, though they gladly executed the office of preachers, yet were not sufficiently reconciled to the Book of Common Prayer, and stated offices of the church. Therefore as those preachers who were beneficed, and kept curates, might excuse themselves under that pretence for not officiating in their churches at all; and as stipendiary preachers in general had no concern in the cures, and were not obliged to any of the ordinary ministrations by virtue of their endowments; it was held proper to lay all these persons under a special obligation, enforced by a penalty, to shew their conformity to the established communion at least twice in every year.

And in this respect the canon is subsidiary to the fifty-fourth, concerning the voidance of "licenses of "such preachers as refused conformity;" for, if certain times and places had not been limited for a trial of their conformity, how could they have been admonished for their refusal? And especially the lecturers who had no churches, wherein they could claim a right of ministration, till this canon gave a claim; whereby they can demand of the parochial

minister a liberty to read divine service, to baptize, and administer the Lord's supper twice in every year: and whereby consequently the parochial minister can demand this service of them.

There was another use of this canon, which I must not omit to mention, and that was the calling every beneficed minister, however licensed to preach abroad, or however occupied in that work, twice a year at least to his own cure; and obliging him, ordinarily speaking, to attend it on two of the principal festivals in the year; for on those only was the sacrament of the Lord's supper usually administered in those days. And the like good effect it would necessarily have upon a pluralist, by obliging him to attend the cure on which he did not reside, on some two of the great festivals of the year, if not oftener, for the sake of administering the sacrament of baptism.

And this I the rather take notice of here, as it is the only point, in which we of the parochial clergy seem to be concerned with the canon at this time of day. For it is certainly a very seasonable admonition to all of us who are possessed of benefices, to attend our cures at certain times of the year, and, if possible, on the great festivals, notwithstanding we keep able resident curates. None of us indeed can be supposed non-resident upon the reasons of the canon, that is, for the sake of preaching abroad; what comes the nearest to this is the case of beneficed lecturers, who are absent from their cures to attend their lectures: and such would do well to consider how far they stand admonished, by the first clause of the canon, to a yearly personal presence in their own churches: neither is there that occasion now to

question any clergyman's approbation of the rites and usages prescribed in the Liturgy, that there formerly was; and, therefore, that which was the foundation of the injunction seems now no longer to subsist; (and for this reason, I presume, the ordinaries are consenting to drop all particular inquiries into this test of conformity;) yet the visiting of our own churches in some part of the year, and doing service therein, which was rendered necessary and indispensable by the canon, is nevertheless highly expedient and fitting to be done, in our present circumstances; though not as a test of our conformity, yet at least as a duty that we owe to our parishes, and to the established communion, to which we have engaged to conform ourselves.

After all, so many of us, whether preachers or lecturers, as adhere to the letter of the canon, and observe it punctually, do well. And they who pay a regard only to the reason of it, by reading the service and administering the sacraments in their own churches, as opportunities do offer, though it may be not according to the very letter of the injunction, must not be blamed; seeing they may plead that kind of dispensation, which I have often before spoke of, viz. a general tacit allowance of our ecclesiastical governors, who do not insist upon a formal discharge of these duties twice a year, with those who answer all the ends of the canon, in a more complete, though perhaps a less punctual manner. "For it is not intended by our canons," as archbishop Parker says in a letter<sup>e</sup> to the bishop of Norwich in 1571, "that every thing should be so

<sup>e</sup> See Strype's Life of Parker, p. 337.

“ precisely kept, but for the most part, and as occasion of edification should require.”

The fifty-seventh canon, which comes next in order, and is entitled “ the sacraments not to be refused at the hands of unpreaching ministers,” may be passed over, as the design of it was wholly and solely to guard against an error, which is neither held nor so much as thought of in these days, whatever scruples might heretofore have been raised upon it.

And upon the fifty-eighth canon, which enjoins “ ministers reading divine service, and administering the sacraments, to wear surplices, and gaudates therewithal hoods,” I need say the less, because it is superseded by the rubric before the Common Prayer, in 1661, which is statute-law, and determines, that “ all the ornaments of the ministers, at all times of their ministration, shall be the same as they were by authority of parliament in the second year of king Edward VI.” So that the injunction concerning the habits and ornaments of ministers, which is at the end of king Edward VI.’s first Service Book, with its explanation in the Act of Uniformity by queen Elizabeth, is the legal or statutable rule of our church-habits at this day<sup>f</sup>: and is so far from being explained by this canon, that it rather serves to explain the canon itself: as I shall shew in an instance or two. For, first,

<sup>f</sup> See Wheatly’s Rational Illustration, &c. fol. p. 104. and Bennet’s Paraphrase on the Common Prayer, and on this Rubric, pp. 2, 3, 4, 5, 6. And Nicholls upon the “ Order for Morning and Evening Prayer;” and upon the twenty-fifth clause of the Act of Uniformity, primo Eliz.

See also what is said in these Discourses, *ubi supra*, p. 65, 66. in the IVth Discourse upon the rubrics in general. Also by Dr. Grey, in his Abridgment of the Codex, p. 113.

this Injunction of king Edward's, referred to in our present rubric, though it requires the "surplice to be used in all parish churches, and chapels annexed to the same," yet doth, in express words, "give liberty to the clergy to use, or not to use, the surplice during their ministration in all other places." Which is an indulgence that the canon doth not expressly give, and it may be some question, whether it can be fairly inferred from it.

And the other thing I would observe in the said Injunction is, that no order is given therein concerning the use of the hood with the surplice "in parish churches," though the same is allowed to be used by dignitaries, "in cathedral churches," and masters and fellows of colleges, being graduates, in their own college chapels. Therefore, as I take it, the clause in this canon, which enjoins graduates to wear the hoods of their respective degrees in parish churches, is not strictly binding; forasmuch as the present rubric, which is of later date, and decisive of all questions about the habits in ministration<sup>g</sup>,

<sup>g</sup> And yet there is a very great question made about the true sense of this rubric itself. Dr. Grey imagines that it refers to king Edward's second Service Book. "It should seem," says he, "to be understood according to the alterations made in the second book, fifth and sixth Edw. VI. For the first Service Book enjoins, besides surplices and hoods, at the communion table, albs and tunicles, and to the bishop a pastoral staff." Dr. Bennet supposes the said rubric to be limited by queen Eliz. Advertisements in 1564, and by her Canons in 1571; and by king James I.'s Canons in 1603. See his Paraphrase with annotations on the Common Prayer.

Bishop Cosins stands up for the complete restoration, and strict propriety, of all the ancient ministerial habits enjoined by king Edward's first Service Book; (see p. 17 and 18 of the additional notes at the end of Dr. Nicholls's Comment on the Li-

refers us to a rule by which the said practice is not required.

But I do not mean hereby in the least to except against the use of graduates wearing their hoods in their several churches, for which not only a canon, but a general custom thereupon, may be pleaded, any more than I would condemn the disuse of copes, albs, and tunicles, since both canon and custom may be pleaded for that disuse also. The whole truth of the matter is, that both the use of hoods, and disuse of copes and tunicles, are now so notoriously and universally allowed of by the ordinaries, that,

turgy.) Dr. Nicholls is of the same opinion, but expresses himself with more diffidence, only putting this question, “If the ancient ‘ornaments, and no other, ought not to be used at this day?’” (see his note at the end of the Act of Uniformity in the first of Eliz.) Mr. Wheatly insists upon the said ornaments being enjoined by our present rubric, but contents himself with observing that some of them are obsolete and grown out of use. (See his Rational Illustration.) The author of the Rubric examined (8vo. Lond. 1737) goes wholly in Dr. Bennet’s way, (p. 8, 9, 10, 11,) and takes for granted, that the rubric is authentically limited by the Advertisements in 1654 and Canons of 1603.

Now under this variety of sentiments about the sense and extent of this rubric, when it is said “to be decisive” about the habits, no more is meant than that it is *the rule*, however understood, by which our habits ought to be now regulated; (a point in which all parties agree;) and that no canon should take place in enjoining any thing contrary to it or inconsistent with it. But there is no way in which the rubric can be so explained, as to include the use of graduates’ hoods in parish churches, or of black tippets to non-graduates, during the ministration of divine service. The former being restrained to be used only in cathedral and collegiate churches and chapels, or by graduates in the pulpit, both in king Edward’s first Service Book, and in the Queen’s Advertisements 1564, and in the canons of 1571. And in none of these is the use of the tippet once mentioned.

although neither of them could in strictness be reconciled with the letter of the rubric, yet we are not bound, at this time, to make any alteration in our practice. For whatever our governors in the church do openly and constantly permit, and consequently by a fair construction approve of, whether it will be admitted as a good interpretation of ecclesiastical laws or not, yet there is no doubt it is a sufficient dispensation for the continuance of the usage, till further order be taken therein; and more especially in all doubtful or disputable cases, the resolution of which is left to the ordinary.

I cannot dismiss this article, without giving you another remarkable instance of the prevalence of custom in these sort of usages, under the approbation of the ordinary; and the rather, because it is an instance that falls within the subject of the present canon, and is also of peculiar consideration to us of this diocese; in which alone it is to be met with. It is, the “constant use of the surplice by all “preachers in their pulpits.” And it is said to have taken rise from an opinion of bishop Cosins, that as surplices were to be worn “at all times of the min-“istration,” and preaching was properly “the minis-“tration of the word of God,” therefore surplices were to be worn in the pulpit as well as in the desk, or on other occasions of the ministry.

One cannot speak otherwise than with reverence and due respect to the authority of so great a ritualist as bishop Cosins was. Yet it is manifest there is nothing in our rubrics that doth directly authorize this usage, or in our canons that doth countenance it; nay, there is something in both which would discourage, if not forbid, such a practice.

The canons limit the use of the surplice to the “public prayers,” and “ministering the sacraments, “and other rites of the church;” so doth our rubric concerning habits, if it be strictly interpreted of king Edward’s order in the second year of his reign; for there the surplice is only to be used at “mat-“ins, evensong, in baptizing and burying in parish “churches.” And then there immediately follows this permission, that, “in all other places,” every minister shall be at liberty to use any surplice or no; and also a recommendation to such as are graduates, “that, when they preach, they should use “such hoods as pertained to their several degrees.” Here then is sufficient warrant for using a hood without a surplice, as is done to this day at the universities, but no appearance of authority for the use of surplices in the pulpit. If it be said that a custom has prevailed over the kingdom, for bishops to wear their habits of ministration whosoever they preach, whether they officiate in other respects or not, and that the inferior clergy cannot follow a better example; it may be answered, that what the bishops do in this respect is founded on ancient constitutions. By the canon law they were obliged to wear their rochets, as their distinguishing habit, whenever they appeared in public; though since the reformation they have not used to wear them any where in public, but in the church and in the house of lords. And it is the more proper they should continue the use of their public habit, whosoever they preach, for the better distinction of their characters on that occasion from those of the inferior pastors; seeing there is no sufficient distinction preserved in their ordinary habits.

All then that I would observe upon this custom of preaching in surplices is, that none of us are obliged to it; though at the same time I intend no censure of the practice. For it is certainly decent, and with us without exception, though it be nowhere authorized, otherwise than by a prescription within this diocese.

I have nothing more to add upon the fifty-eighth canon, than the observation of a great man upon it<sup>h</sup>, “ that it did not well consist with the fourteenth “ canon,” which enjoins the conformity of all ministers to the prescript form of divine service, rites, and ceremonies, in the Liturgy. And, from what has been said, you may gather from whence this exception against their consistency is taken; for it is most certain that whereinsoever the fifty-eighth canon doth not well consist with the general rubric before morning prayer; as I have shewn in one instance, viz. “ the wearing hoods and tippets in parish “ churches,” it doth not; therein, of consequence, it will be found in the same degree inconsistent with the fourteenth canon. But then it is to be noted,

<sup>h</sup> Speaking of the disuse of the ornaments prescribed in the second year of Edward VI. he proceeds thus :

“ If any man shall answer that now the fifty-eighth canon “ hath appointed it otherwise, and that these things are alterable “ by the discretion of the church wherein we live; I answer, “ that such matters are to be altered by the same authority “ wherewith they were established; and that, if that authority “ be the convocation of the clergy, as I think it is, only that, “ that the fourteenth canon commands us to observe all the ceremon- “ nies prescribed in this book, I would fain know how we should ob- “ serve both canons.”

Additional notes at the end of Dr. Nicholls's Comment. p. 18. This is supposed to be bishop Overhall's.

that, saving this single instance, every other exception against this canon is at least as disputable as the true meaning and extent of the rubrical order with which it seemeth inconsistent. And therefore till it be fully agreed, (which at present it is not,) how the said rubric is to be interpreted, and how far it will conclude and determine our practice, (of which the compilers of our canons might not have just the same sentiments with some of our modern ritualists,) it does not seem reasonable to complain of a disagreement or contrariety in our canons.

## VISITATION CHARGE ANNO 1747.

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### DISCOURSE XII.

*Upon the fifty-ninth Canon, concerning catechising. And the sixty-second, concerning Marriages.*

REVEREND BRETHREN,

IN pursuance of a commentary I am engaged in, upon our present body of canons, so far as they relate to the parochial clergy, and the due exercise of their function in this established church; the next point I am to take in course is the order about catechising in the fifty-ninth canon: which is entitled “Ministers to catechise every Sunday,” though the Latin title is only *Catechizandi diligentia ministris injuncta*. The order however given in the body of the canon, whether English or Latin, is the same, viz. “that ministers should catechise, not only every “Sunday, but every holyday too.”

Upon which a question would arise, how far we are bound to observe this order strictly and according to the letter, if another question did not offer itself to be first determined, and that is, whether we are bound by this canon at all?

The reason of putting this query is evident. There is a rubric in the Liturgy at the end of the Catechism for the direction of ministers in this matter; which is indeed properly the direction of the canon new modified with respect to the clergy, though the injunctions on parents, masters, and mis-

tresses, stand verbatim the same in both. The canon says the minister shall catechise “every Sunday<sup>a</sup> “ and holyday.” The rubric only says, “ upon “ Sundays and holydays:” from whence, as I formerly observed<sup>b</sup> upon that rubric, no obligation could be urged that ministers should catechise upon all Sundays and holydays. In which I have the concurrent opinion of some of the strictest ritualists<sup>c</sup>. The canon further enjoins that it be done “ before evening prayer<sup>d</sup>;” but the rubric says, “ after the second lesson at evening prayer.” The canon requires it should be continued for “half an “ hour<sup>e</sup> or more:” the rubric leaves the time for the performance indefinite.

Upon these accounts Mr. Wheatly is at a loss how to reconcile the canon with the rubric<sup>f</sup>. And so

<sup>a</sup> In king Edward’s second Liturgies, the time specified is “ once in six weeks at the least, upon some Sunday or holy- “ day.”—In queen Elizabeth’s Injunctions it is, “upon every ho- “ day, and every second Sunday in the year;” Inj. 44. Spar- row’s Collection. See also Wheatly, fol. p. 365; and Gibson’s Cod. p. 452.

<sup>b</sup> Discourse IV. *ubi supra*, p. 82.

<sup>c</sup> Additional notes on the Catechism, printed at the end of Dr. Nicholls’s Commentary, p. 58.

<sup>d</sup> And thus it stood also in the old rubrics, viz. “before even- “ ing song.”

<sup>e</sup> Pomeridiani temporis *horam primam* minister explicando Catechismo tribuat, et in ea re vel integrum horam ponat, vel aliquid *eo amplius*, si videbitur. *Ref. Leg. de div. off.* c. 9. Om- nibus Dominicis et festis diebus, statim a meridie præsto erunt in templis, ibique *minimum ad duas horas* legent et docebunt Catechismum, et in eo instituent, &c. *Can. 1571.* Sparrow, p. 233. The variety of these directions alone seems to be a good reason why the time should not be precisely fixed.

<sup>f</sup> Rational Illustration, &c. p. 365.

must every body be who compares them together. But the comfort is, there is no need of any reconciliation, when there is no need that both should stand. The latter directions, supposing their authority only equal, would supersede the former. The rubrics, in all the old prayer books till the last review in 1662, did agree with the canon in this matter. But as the alterations upon the revisal then made of the Liturgy are more authentic and more binding upon us than the canons are, we can be under no difficulty in determining by which of them to square our conduct in this business.

Whether indeed these changes made in the rubric have really been for the better, may be much doubted<sup>g</sup>. But that we are to abide by them, and not by the canon, in this case, will, I suppose, admit of no doubt.

However, let it be observed, that all that part of this canon that relates to the power of the ordinary in censuring neglects of duty herein, whether it be in ministers, or in parents, masters, and mistresses, remains yet in its full force. With this only difference, that the neglect of ministers, to be censured by him, is not to be measured any longer by the rules laid down in the canon, but by those which were since enjoined by the rubric.

<sup>g</sup> The reason of the alteration was, that the Catechism being performed in the midst of divine service, the elder persons as well as the younger might receive benefit by the minister's expositions, &c.—But the worthy persons who made this alteration have been miserably disappointed in their good intentions, for this very thing has drove catechism almost out of the church. Nicholls's Comm. first part at the end of the Catechism.

But perhaps this remark relates chiefly to the London churches.

The two next canons, (viz. sixty and sixty-one,) respecting confirmation, I shall entirely pass over: the former of them, because it relates to the bishops only; and the latter, which relates to the inferior clergy, because there is nothing either in the design or wording of it, but what is so obvious, plain, and unexceptionable, that it needs no illustration.

I could wish indeed both these canons were more strictly and punctually observed than they are: because the frequency of confirmations enjoined by the one, and the great care to be used for securing the real benefits of it to our people enjoined us by the other, are as probable means as any I know of in the world to promote true religion among mankind<sup>h</sup>.

But to proceed. The next canon to these, relating to the solemnization of matrimony, (being the sixty-second,) though it appears, on the first transient view of it, to be so plainly worded, that nothing should seem needful to be said by way of explication, and contains not only so severe but so certain and unavoidable a penalty<sup>i</sup> in case of convic-

<sup>h</sup> I earnestly entreat my brethren of the clergy to consider seriously the weight and excellence of these directions, and of what unspeakable advantage it would be for the promotion of Christian piety, if confirmation were duly administered, and none but such as are sufficiently prepared were admitted to it, &c. &c. *Bennet's Paraphrase, &c. on the Com. Prayer*, p. 213.

<sup>i</sup> This penalty of suspension *per triennium ipso facto*, though it will not take place till it be judicially declared, yet is not to be dispensed withal, or even mitigated, after the crime is proved.—And, because this was not found sufficient to deter some ministers from acting contrary to the canon, it was further enacted in the 10th of queen Anne, c. 19, that every minister so offending should forfeit for every such offence the sum of 100*l.*

tion, that nothing should seem needful to be said by way of caution, yet it must not be passed over without some reflections, which I flatter myself you will not think unseasonable.

The canon is divisible into three parts, which will afford as many distinct considerations.

The first part, or clause, is to this effect, which is also the title of the canon ; that “ ministers are not “ to marry any persons without banns or license.”

The second part consists of conditions to be observed in all marriages, whether with license or banns.

And the third part is a further condition to be observed in all marriages of persons under age.

And all three of them are enforced by the same penalty, viz. suspension *per triennium*.

I shall speak to each of these in their order.

The first point is general and absolute, that we are to join none in holy matrimony without banns or license.

Wherein I would observe, that by this canon a license doth nothing more than barely supply the place of banns. It doth not make any other change in the rules of our ministration in the office of marriage ; it is only an equivalent to the previous publication of banns, or a certificate of such publication in another parish. And therefore the true nature of a marriage license is commonly expressed in the Latin canons by *bannorum legitima dispensatio*<sup>k</sup>, or by words to that effect.

<sup>k</sup> These are the words in the title of the next (sixty-third) canon. The like are used in the title of the present, *Ministri, sine bannis rite indictis vel legitime dispensatis, matrimonium celebrare prohibiti.*

If it be said that the officiating minister's powers are sometimes enlarged by virtue of the license, or faculty, beyond what they are in the common way of marriage by banns, I must beg leave to say that this is a mistake<sup>1</sup>, though I do not deny that, in some licenses, certain grants may occasionally be found which have no footing of authority to stand upon. The truth is, both the ordinaries and their surrogates are limited in their powers by certain canonical restrictions, which if they break through, their licenses are so far void and of no effect, neither will they indemnify clergymen for acting upon them in any of the invalid articles.

We are required in this canon, which prescribes our duty in regard to marriages, to look upon nothing as a faculty or license, but "what is granted " by some of the persons expressed in these constitutions," viz. in the 101st canon. And by the same rule we must look upon nothing as a legitimate dis-

They are elsewhere phrased *indulgentiæ pro celebratione matrimonii absque trina* (vel trinundina) *bannorum denunciatione*. Artic. pro Clero, 1584, and Constitut. Eccl. 1597. Sparrow's Coll. p. 194 and 249.

But the plainest and most natural expression is in Canon 104. *Quod si uterque contrahentium in viduitate constitutus pro bannis omittendis dispensationem petierit, &c.* Ibid. p. 317.

<sup>1</sup> One would almost suspect indeed from an expression in this very canon, viz. "when banns are thrice asked, and no license "in that respect necessary," that a license might be necessary in some other respects.

But the Latin, which is often useful in ascertaining the sense of the English, will not permit any doubt to be made about the true meaning; for it is, *etiamsi trina bannorum indictio præcesserit, nec ulla proinde dispensatio requiratur, &c.* viz. "Therefore," (or for that cause, because banns have been thrice published) "no license is necessary."

pensation, even from these authorized persons, but what is granted upon the conditions that are likewise expressed in these same constitutions, viz. in the 102d and 103d canons. So that a license defective in the form is as insufficient to our purpose as if it was granted by a wrongful power. If a license indeed had the nature and force of a command, or was an authoritative order from our superiors, we might not perhaps be allowed the liberty of excepting against the form of it, but should be held to the execution of its purport. But, if you please to observe, these marriage licenses, although they be granted in the most unexceptionable manner, and in perfect conformity with the canons, yet they infer no command, no injunction to the minister to act upon them, but only a permission to execute them, if he have no reasons to disapprove them. But nevertheless, if he be apprised of any legal objection or impediment, why they should not take place, then they become (as is notified in the tenor of them) formal prohibitions, or injunctions to forbear the fulfilling of their purport, at least till such time as the ordinary can be consulted upon the supposed impediment.—From all which it appears, first, that a license doth nothing more than prevent the necessity, or excuse the omission of publication of banns. And, secondly, that any reason whatsoever that ought to hinder or retard the solemnization of marriage after banns thrice published, will be equally good reasons for refusing or suspending compliance with a license where the like circumstances occur.

And so much of the first point.

Let us now take the second into consideration, which was, the conditions to be observed by min-

isters in all marriages, whether with license or banns.

The clause in the canon is this :

“ Neither shall any minister upon the like pain,  
“ under any pretence whatsoever, join any persons,  
“ so licensed, in marriage at any unseasonable times<sup>m</sup>,  
“ but only between the hours of eight and twelve in  
“ the forenoon: nor in any private place, but either in  
“ the said churches, or chapels, where one of them  
“ dwelleth, and likewise in time of divine service.”

In which clause there are two places to be corrected by, and not to be rightly understood without consulting the Latin canon. For whereas it is here said, that “ no minister shall join any persons, so “ licensed, in marriage ;” the Latin hath it, *neque ullus minister inter quaslibet personas (quantumvis ejusmodi facultatem seu indulgentiam habentes) quocunque prætextu matrimonium solennizabit*. And the *quantumvis*, with what follows relating to a license, is included in a parenthesis. So that the plain meaning is, that he shall join no persons whatsoever in marriage, (notwithstanding some of them be licensed,) but on the following conditions.

One of which conditions, as expressed in the English canon, is, that he shall not do it in “ any private “ place, but either in the said churches, or chapels

<sup>m</sup> “ Unseasonable times” have no relation here to the popish canons, by which marriage was prohibited at certain times of the year, as Advent, Lent, &c. but only to unseasonable hours of the day.

See Gibson’s Cod. p. 518; Wheatly, on the Common Prayer, fol. p. 388 and 389; and Dr. Nicholls’s Commentary on the Rubric before matrimony, upon the words, “ at the time ap- “ pointed.”

“ where one of them dwelleth.” The meaning of which must be, that he shall not do it any where but in one or other “ of the said churches, or chancels,” where one of the parties dwelleth, as is manifest from the passage as it stands in Latin, *sed in ecclesiis tantummodo vel capellis, ubi partium altera commoratur.*

These observations premised, we have three conditions here specified to be observed by us in all marriages whatsoever that we solemnize.

First, that they be celebrated within the canonical hours. This neither needs a comment nor an admonition. The rule is plain, and the practice is generally conformable to it.

Secondly, that they be performed in the church, or chapels, where one of the parties dwells.

And, thirdly, that they be solemnized in time of divine service.

These two last are points of greater moment, though less observed, and therefore I must beg your leave to take some notice of them.

Marriage in the parish church where one of the parties lives, is a standing injunction of ancient as well as modern canons. Neither doth a license dispense with a minister who acts contrary to this rule, as Mr. Wheatly well observes. It is true, faculties of dispensation on this head were very early and very frequent here in England, but they were restrained at different times: as more particularly by the Constitutions in 1597, which enjoin the licenses to be always directed to a parish church where one of the parties inhabited<sup>n</sup>. From whence the same injunction seems

<sup>n</sup> Under the article *de moderandis indulgentiis, &c.*—Præterea in ipso dispensationis sive licentiæ tenore, ecclesia habitationis

to be transferred into the 102d canon, as a condition to be always observed in granting of licenses<sup>o</sup>, and into this canon we are now considering, as a condition to be always observed by the clergy in executing those licenses. To the like purpose is a clause in the 104th canon, viz. that the parishes where the parties dwell shall be expressed in the license, and also the parish named where the marriage shall be celebrated<sup>p</sup>. And if any commissary for faculties, &c. shall offend in the premises, or any part thereof, he shall be suspended for six months, and the license held void to all effects, &c.

Notwithstanding all which precautions, we may sometimes meet with licenses directed to a parish church, where neither of the parties dwell, nor have any the least concern, but how to get married there in the privatest manner possible. No doubt this lays the minister, to whom the license is so respectfully directed, under a great temptation to transgress his rule, seeing the ordinary, or his surrogate, is first in the fault, and hath set him an example of irregularity in this matter.

sive commorationis alterius contrahentium, vel parentum et gubernatorum suorum exprimatur. Sparrow, p. 250.

See also the form of a license at the end of the said constitutions, where the blank for the name of the parish is filled up with—exprimendo ecclesiam alterius contraheutium, vel parentum aut gubernatorum suorum.

<sup>o</sup> They shall celebrate the said matrimony publicly in the parish church, or chapel, where one of them dwelleth, and in no other place.

<sup>p</sup> This is taken from the end of the form of a license in Const. Eccles. 1597, viz. Parochiæ utriusque contrahentis in licentia exprimendæ sunt, ac parochia ubi matrimonium celebrabitur, designanda. Sparrow, 291.

But, not to go too far into this unwelcome subject, let us examine into the other condition required by the canon to be observed in all marriages of all manner of persons, viz. that they be celebrated in time of divine service. *Tempore precum publicarum*, says the Latin canon. What shall we say to this? All the constitutions are full and express, that marriage ought ever to be performed *in facie ecclesiæ, in conspectu populi*, openly and publicly as may be, for the greater notoriety and stronger testimony of the thing itself<sup>q</sup>, as well as for the greater solemnity of the performance of the sacred rite. Our liturgies always presume it to be so performed, and mention is made in the office, as it stands both in the old and in the present prayer books, of a sermon as well as of a communion at the time of marriage. Nay, what is more remarkable, the licenses do all presume upon it too. They represent the parties “as very desirous of obtaining their marriage to be solemnized in the face of the church,”

<sup>q</sup> *Facie ecclesiæ*, id est, *conspectu ecclesiæ*; *populi scilicet congregati in ecclesia*.

Lynwood upon a constitution of Walter's. See Gibson's *Codex*, p. 518.

And, if there could be any doubt of what is meant by *facies ecclesiæ* or *conspectus populi*, yet our canon hath sufficiently explained it by “time of divine service.” And so hath the office itself, which speaks both of a sermon and a communion at the time of marriage. In all the old prayer books till the last review, the rubric before the exhortation at the end of the office stood thus :

“ Then shall begin the communion, and, after the gospel “ shall be said, a sermon, wherein ordinarily (so oft as there is “ any marriage) the office of a husband and wife shall be de- “ clared according to holy scripture; or, if there be no sermon, “ the presbyter, or minister, shall read this that followeth.”

and “ that the license is therefore granted that such “ honest desires may the more speedily have their “ due effect :” they are granted also with this proviso, among others, that the said marriage be openly solemnized, and freely, and lawfully, in the manner and form, and according to the rites and ceremonies prescribed in the Book of Common Prayer.

But now if these manifold directions are generally so executed, that the marriage can neither be said to have been done in the face of the church, nor in the sight of the congregation, nor in time of divine service, and therefore cannot properly be said to be celebrated, or solemnized ; if, instead of being performed openly and publicly, it is industriously contrived to be transacted in the most secret and clandestine manner ; and the church itself, which should lie open during all divine offices, is made on these occasions the most private, guarded, and inaccessible recess, perhaps, in the whole parish ; surely there must appear a strange dissonancy and contrariety between prescription and practice. Nor will it seem an easy matter to account for so general a deviation from rule.

Mr. Wheatly indeed contents himself with saying that “ the practice,” viz. of having divine or public service at marriages, “ is now almost by universal consent laid aside.” But it would have been more satisfactory to have given some good reason why it is so.

To allege, that it is doing no honour to divine service to introduce into it the levities which are too apt to accompany this particular office, especially when publicly solemnized, has the colour of a rational plea. It is reason enough, I must confess,

to discourage any man from attempting to revive the old practice of open solemnizations in service time, but it is not the reason why the said practice was at first discontinued. Our forefathers were not unapprised of the same inconvenience, just now spoke of, attending upon open celebrations of marriage, yet they made no alterations in their constitutions: the benefits of notoriety were, in their sight, more than a balance to these other complaints<sup>s</sup>.

No; the true reason, as I take it, of surceasing all public solemnizations, must be traced back to the introduction of licenses, which were first granted, and granted only, to persons of rank and figure<sup>t</sup>; whose shyness and delicacy in this nuptial ceremony, meeting with a correspondent tenderness in the governors of ecclesiastical affairs, gave the first rise to

<sup>r</sup> *Matrimonium, sicut alia sacramenta, cum honore et reverentia, de die, et in facie ecclesiae, non cum risu ac joco, ac contemptu, celebretur.* Walteri Constit.—Vide Gibson's Cod. p. 518.

<sup>s</sup> *Neque contracturi in secreto fidem dent,* ibid. Othobon hath a constitution, *Ne quis impedit matrimonium celebrari in facie ecclesiae.* The reason given is, *per quam* (viz. in conspectu hominum solennitatem accipiat) prout expedit, omnibus innotescat.

So in the constitutions *Articuli pro Clero* in 1584, and *Ecclesiasticæ*, 1597. Et ulterius, quod matrimonii celebratio publice ac tempestive in facie ecclesiae fiet. Sparrow, p. 195 and 249.

<sup>t</sup> And to such persons only as be of good state and quality. Can. 101.

*Honestæ, claræ ac illustris conditionis homines; sive urgente aliqua necessitate, sive aliis non contemnendis rationibus. Art. pro Clero.* Sparrow, p. 194.

Nec vero aliis concedantur hujusmodi indulgentiæ quam illustris et claræ conditionis hominibus, nisi urgens necessitas intercesserit, eaque judici cognita fuerit. *Const. Eccl. 1597.* Sparrow, p. 250.

special faculties for dispensation of public banns. And thus the offence of the first publication was got over. What wonder then, if the same kind of tenderness should prevail by degrees upon the inferior clergy too, to lend their aiding hand to soften the offence of notification on their part also; and, in short, to make the office as private and unsuspected as possible ?

And if this might be done for persons of fortune and distinction, why not also for persons of less quality, and lower figure in life, or indeed for people of no rank or consideration, if the ordinary thought fit (for any other reasons, though against canon) to admit them to the like favour ? And if this might be done for persons of no rank or figure, because they could purchase the faculties, why not to all manner of persons whatsoever, whether they came to be married with licenses or not. Thus have the breaches made in the canons been gradually widened, and the solemnity of the nuptial ceremonies gradually straitened.

It was, to be sure, almost an impracticable thing for the officiating clergy to abide by their rules, after faculties became common and were in fashion. They who take them out aim always at privacy more than any thing besides. And shall their minister, to whom the faculty is directed, defeat their principal view at once ? and under pretence of a canon marry them in public and at church time ? This will not be endured. It will pass for usurpation and arbitrary power in the parochial clergy. Neither will it be easy to make the parties understand how it should happen, that the same canons should allow the ordinaries to dispense with public

banns, and yet not to dispense with a public wedding; or how the clergy may be authorized to drop all publication of banns "in time of divine service," and yet have no power to celebrate the marriage itself out of time of divine service. Much less will they be persuaded that the license itself carries in it, and along with it, this very thing which seems to them so inconsistent: for, whatever benefit of privacy they may expect from it, yet the plain sense and effect of it, as it concerns the minister, is this, viz. "You are indeed permitted hereby to marry "these parties without publication of the banns. "But take notice you must solemnize the marriage "openly, and in the face of the church, and accord- "ing to the rites prescribed in the Common Prayer "Book, and published by authority of parliament." For otherwise this license is by no means your indemnification.

Let either the minister, or the parties, remonstrate, to the granters of these faculties, the invalidity of them for the main purpose intended in procuring them: the answer will be, that the clergy are not bound by them; they are at liberty whether they will comply with them or not. Very true; and here lies the dilemma the clergy are brought into by these licenses, they must either necessarily break the canons, or they must unavoidably quarrel with the best of their parishioners.

Well then, what have the clergy to say for themselves upon this article, of not solemnizing marriages publicly, and in time of divine service, as the canons enjoin, and especially in cases of licenses, which enjoin the public solemnization as well as the canons? I hope they have a better plea, than

either the extraordinary fee that is customary on such occasions, or the certainty of exemption from the penalty under shelter of the licenses. These pleas would scarce suffice. But this they have to say for themselves; viz. that they not only act safely herein, and unblamably in the eyes of men, having indeed the majority of mankind on their side, and acting herein according to every body's wish, but they have something more than a tacit dispensation from their own ordinaries. That all these kind of compliments to the brides and bridegrooms were originally begun to be paid by their superiors in the church, who have led them the way, and shewed them the example of such extraordinary civilities on those occasions. That, if they were not to act in consistence with those supposed advantages which tempt people to take out licenses, they must inevitably draw a clamour upon themselves for a fault that was not their own, and not only so, but they would bring the licenses themselves into disrepute, and render the acts of their ordinaries of no value. That there is no reason, if the canons must be strained, why the rule should not be made general, and be extended as an indulgence to all persons equally, whether they be married with license, or only by banns. That their church governors have not only by their connivance at this privacy of weddings with banns, encouraged them, but by their frequent grants of licenses, and allowance of the practice upon them, taught them to comply with the prevailing humour of the world, in a point which they should neither have thought reasonable nor defensible, if the taste and mode of the age, and a false notion of decency (kept up and supported by the acts

of their ordinaries) had not gradually got the better of discipline, order, and church authority; and all right notions of decency.

All this, I think, the parish ministers may plead for themselves; and I believe with all reasonable and fair people it may be thought sufficient.—One thing indeed I should ever approve of, as a prudent piece of conduct with regard to licenses, viz. to make use of our liberty in rejecting them as often as they are directed to parish churches, where neither of the parties do inhabit, and more especially if they be strangers, because some latent reason for such a proceeding is ever to be suspected.

But the consideration of this will more properly fall under my third and last head, (when I shall have time, which I have not now, to speak to it,) viz. that clause in this canon, which expresses the condition which is required in all marriages of persons under age.

This, being a distinct subject, may well enough be detached from the foregoing, and shall be reserved to be treated of in a future discourse, if it shall please God to bring us together again on the like occasion the next year.

## VISITATION CHARGE ANNO 1748.

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### DISCOURSE XIII.

*Continuation of observations on the sixty-second Canon  
about Licenses and Marriages.*

REVEREND BRETHREN,

THE subject of my discourse at this meeting was fixed at my last visitation, when I undertook to go through (on the first opportunity) with my remarks on the sixty-second canon, in which I then made a good progress. And indeed nothing was left to be considered now, but the last important clause, which contains the condition required to be observed by us, in all marriages of persons under age.

Concerning which, let me first of all observe to you, that the prime point which is aimed at, in all the guards and securities that have been contrived and thrown in from time to time, not only in canons and constitutions, but in acts of parliament, in order to prevent clandestine marriages, is this, that no marriages of persons under age shall ever be solemnized without the previous "consent of parents," or "of guardians," where the parents are not surviving. [Sparrow, p. 249, 250.]

But, among all the ways that have been yet devised for securing this material point, there are none but what may be, and sometimes are, evaded. The strongest, and, in appearance, most effectual way of

securing it, is the charge given to, and the trust reposed in, the officiating minister, that he shall never solemnize a marriage of a minor without being himself satisfied of their consent who have a right of giving it. And this is such a provision of safety, that, so long as ministers are honest, and will do their duty as the canons require, it is not liable to be defeated by any falsehood, art, or evasion, whatsoever.

No wonder therefore we should find so great a stress, and which might otherwise have seemed an unreasonable stress, laid upon this very thing. That neither the express consent of the parents and guardians<sup>a</sup>, given by two witnesses upon oath, at the granting of a license, nor their said consent implied by their acquiescence under the publication of banns on three several Sundays or holydays, shall be thought sufficient, but the minister himself, before he can proceed to solemnize the marriage, shall have their consent, either given him by themselves personally, or signified to him by sufficient witnesses.

I make the more particular mention of this special injunction, because I have reason to suspect, that a great many of those whom it concerns are apt to overlook it, when they peruse this canon. And indeed, with respect to minors having a license, it is no wonder they should, because the English canon is not rightly pointed, and dis-

<sup>a</sup> See canon 102, and canon 103. It shall appear to the judge by the oaths of two sufficient witnesses, one of them to be known either to the judge himself, or to some other person of good reputation then present, and known likewise to the said judge, that the express consent of the parent or parents, &c.

tinguished as the Latin is, nor doth it give the true and determinate sense that was intended to be, and is clearly expressed in the Latin copy.

This I had occasion to take some notice of in my last discourse; but am obliged now, in order to clear up the point before us, to examine more closely into the difference that there is between the two copies.

By what mistake it may have happened I cannot tell, but so it is, that by an omission of the marks of a parenthesis in one place of the English canon, and by a dislocation of them in another, the sense of the Latin and English does not coincide.

Consider the following words as they stand in our vulgar English copies without any parenthesis: “Neither shall any minister join any persons *so li-* “*censed in marriage, but in the said churches or* “*chapels where one of them dwells, and likewise in* “*time of divine service; nor, when banns are thrice* “*asked, before the parents or governors have signi-* “*fied to him their consent.*”

Now would not any one interpret this, that the first conditions are only to be observed in the case of licenses, and the last only in case of the banns?

Yet this is by no means the sense of the canon according to the Latin copy; where, instead of “any persons so licensed,” in the first clause we read *quaslibet personas*, any persons whatsoever, and then in a parenthesis, (*quantumvis ejusmodi fa-*  
*cultatem seu indulgentiam habentes*,) to signify that, even in case of licenses, the conditions required in marriage are not to be omitted. And instead of these words in the second clause, “when banns are “thrice asked,” we read in another parenthesis,

(*etiamsi trina bannorum indictio præcesserit*), to signify that, even in case of banns, this condition relating to minors is not to be dispensed with.

If you will please to compare the English and the Latin canon together<sup>b</sup>, you will find this difference, as well as some others of lesser moment, very plain.

The drift of the canon then without doubt is this: that as there are certain annulling impediments, as those of precontracts, consanguinity and affinity, which make the marriage void, and for the timely discovery of which, if any such lie in the way, all imaginable care is taken, both by publication of banns, and by securities required at the

<sup>b</sup> *English*—Neither shall any minister upon the like pain, under any pretence whatsoever, join any persons *so licensed* in marriage at any unseasonable times, but only between the hours of eight and twelve in the forenoon; nor in any private place, *but either in the said churches, or chapels, where one of them dwelleth, and likewise in time of divine service*: *nor when banns are thrice asked*, and no license *in that respect* necessary, before the parents or governors of the parties *to be married* (being under the age of twenty-one years) shall either personally, or by *sufficient* testimony, signify *to him* their consents given to the said marriage.

*Latin*—Neque ullus minister sub pena simili inter quaslibet personas (*quantumvis ejusmodi facultatem seu indulgentiam habentes*) quocunque prætextu matrimonium solennizabit, vel tempore aliquo incongruo, sed duntaxat intra horas octavam et duodecimam antemeridianas; vel in loco privato, sed in ecclesiis *tantummodo* vel capellis ubi partium altera commoratur, *idque* similiter tempore precum publicarum; vel *omnino* (*etiamsi trina bannorum indictio præcesserit, nec ulla proinde dispensatio requiratur*) priusquam parentes aut gubernatores *contrahentium* (si vi-cesimum primum ætatis suæ annum non compleverint) consensum suum vel personaliter, vel per testimonium *luculentum, dicto ministro* significarint.

granting of licenses ; so there are certain conditions to be observed in all marriages, whether by banns or license, which, though not so absolutely necessary as that the marriage shall be void for want of them, are yet so requisite to the due solemnization of it, that it cannot be celebrated legitimately and canonically without them. Which conditions, though sufficiently expressed in other parts of the canons, are in this place laid together, as a rule for the use and direction of the officiating minister.

It may perhaps be asked, if these conditions are designed to be equally observed in all marriages whatsoever, whether by banns or license, what is the reason of that particular caution about licenses, in the parenthesis inserted among some of these conditions ; and that other particular caution about banns in the parenthesis inserted in the last clause concerning persons under age ?

But the ground and reason of these cautions seems to be to prevent the clergy from sliding into mistakes, which otherwise perhaps they might be apt to do. For the conditions in the former clause might not at first sight seem so requisite to be observed in a marriage by license, seeing the license itself directs the parish church, and is commonly supposed to carry some privilege of a privacy in solemnization, which marriages by banns seem not equally entitled to. Therefore to prevent the ministers being biassed, or influenced, by either of these opinions, he is here cautioned, that, to what church soever the license may be directed, he is to execute it in none but where one of the parties dwells. And what liberty soever any license might seem to indulge him in, with regard to the hours of marriage, he is here

given to understand, that he is to execute it nevertheless between eight and twelve in the forenoon, and at the time of the morning prayers.

In like manner as to the caution given in the other clause, where the banns are so particularly mentioned, and which is introduced in the Latin canon with *omnino*, “more especially,” as deserving extraordinary notice; whereas the parents’ consent to the disposal of persons under age might not seem so necessary to be observed in case of marriage by banns, because the very publication of those banns at three several times, without objection offered, might pass for a sufficient evidence of the parents’ or guardians’ acquiescence in the match; therefore, to check the minister’s too forward presumption of consent in this case, he is here told, that notwithstanding “the banns be asked out,” without impediment alleged, he must not rest upon this negative proof of consent; he must have positive evidence, and that too from the parents or guardians themselves, either personally giving it, or signifying it to him by sufficient testimony.

So that you see in all marriages whatsoever, whether with license or by banns, the minister is charged with this important affair of consent, and his fidelity is principally trusted to. So that he had need to be circumspect, and look about him in the execution of it.

With what degree of care and circumspection we do discharge this trust, we must all know so well ourselves, that I need not make it any matter of inquiry here. But, lest any of you should not be apprised of the possible consequence of neglecting, only through inadvertency, the order of this canon in the marriage of minors, it may be seasonable to

inform you of the effects that have followed the prosecution of clergymen for breach of canon in this respect, viz. they are the very same in the ecclesiastical courts, with the penalties incurred for clandestine marriages, or such as are in all canonical respects irregular, i. e. suspension *per triennium ipso facto*: where the courts, after the fact is proved, have nothing more to do, nor is it in their power to do less, than declare the penalty awarded by canon, give the sentence, and see it put in execution. Such prosecutions perhaps by parents or guardians, whose consent was not previously obtained to the marriage of their children or pupils, are rare. Yet the sentence itself is no less rigorous and severe, as those to their cost have found it who have unhappily fallen under it, although their crime in reality was known to be no more than either ignorance of the canon, or inattention to its strictness in this particular.

This may seem hard indeed in one view of it, viz. that a clergyman should suffer so greatly from an omission in his inquiries in a case where he might think himself safe without them, where he might judge either a license or a publication of banns would sufficiently warrant and indemnify him; where his fault could not be interpreted as from design, and where he himself, among all the persons concerned in such a marriage, seemed least to blame. — Yet, on the other hand, it must be remembered, that this is a trust reposed in the clergy, and cannot with equal safety be reposed any where else. For they have the best opportunities of knowing, by their registers and otherwise, who are of age for marriage among their parishioners, and who are not so, i. e. who are at their own disposal, and who are

not *sui juris* in this matter. They have also the best opportunities of taking the consent of parents and guardians in the places where the parties live. And where there remains any doubt in either of these cases, viz. either concerning the age of the one, or the consent of the other, they only have it in their hands to adjourn the solemnization, till full satisfaction is given them in both points.

It may be queried indeed, how this matter stands with respect to certificates sent by the curates of other parishes, to notify the publication of banns, without impediment alleged? Suppose the certificate is for a minor, and one that is an inhabitant of that parish from whence the certificate is sent, but who really hath not the consent of parents and guardians, will such a certificate of the banns being asked out justify the curate who receives it in proceeding to the ceremony without any further inquiry? In reason it should. Yet by the letter of the canon it will not, unless the curate, so certifying the publication of the banns, do further certify to the minister who is to marry them, that the parents or the guardians of the minor have either personally or by sufficient testimony signified their consents. In which case the said certificate becomes a sufficient testimony of consent to the curate, who is to solemnize the marriage, and will be admitted as his warrant and authority. And therefore this manner of certifying should be followed in such circumstances. Not that I think, when it is so certified by the minister of the parish where the party under age dwells, that the other minister, who receives such certificate, is bound thereupon to solemnize the marriage, but may remit it, if he thinks

it more safe and proper, to the minister of the parish where the said party lives, and to whom the said consent was signified.

But to return. What must be said of a license granted to a minor? Is not this a competent authority for the minister to proceed upon, if the said license be directed to his church, and the minor also live in his parish? Is not the hand and seal of the ordinary a sufficient attestation, that oath hath been made by two credible witnesses of the parents' and guardians' consent, if not personally given by the parents or guardians themselves? May not this pass, and be construed as a signification of the said consent to the minister himself by sufficient testimony?

Why truly it seems unreasonable to say it should not. And yet whosoever hath taken due notice of the means that are sometimes made use of for the obtaining of licenses, and attends to the proviso inserted in the form of all licenses, “that if hereafter “any fraud shall appear to have been committed at “the time of granting them, either by false suggestions or otherwise, then the said licenses to be void “to all intents and purposes in law, as if the same “had not been granted;” and recollects moreover the claims that parents and guardians have by ecclesiastical law upon the clergy, as their best security, that no marriages of their children or pupils, however licensed, shall be celebrated without their consent signified sufficiently to the minister himself who is to marry them; I say, whosoever lays these points together, and considers them well, will be apt to doubt of, and demur upon the validity of the testimony, that such licenses are supposed to carry with them.

I do not know indeed of any prosecutions brought against clergymen upon this article. Or, if any have been, we may well presume the ecclesiastical courts would, in support of the credit and authority of the licenses themselves, screen those who have executed them as much as was possible; and especially as they have a surer, and a far more equitable remedy against the jurors and the bondsmen concerned in procuring the said licenses. And I might add moreover, that, as the English canon now stands in all our printed copies, it doth not so plainly appear, for the reasons I have given above, that the clergy are bound to have the consent of parents and guardians, when there is a license for marriage of persons under age, as they are bound to have it for the said persons, when the banns only are published.

But nevertheless it may and ought to be observed, that, if all ministers did strictly keep to the true intention of the canon, and according to the express letter of the Latin form, all the inconveniences that licensing persons under age have been or may be attended with would be at once removed. And this trust reposed in the clergy would be found a wise and effectual provision, and produce signal and beneficial effects.

I shall conclude this head with observing to you something very apposite to our present purpose in the form of a license prescribed in the Ecclesiastical Constitutions of 1597. It is printed in Sparrow's Collection, and may be found at the end of those Constitutions; and is the only authentic form that is published, so far at least as I know of. It is entitled, *Licentia ubi uterque vel alter contrahentium sub parentum vel gubernatorum potestate existit.*

It directs the marriage to be solemnized only in one of the churches where the parties live; or, if only one of them be under age, in the church to which the said minor belongs, for so I understand these words, *exprimendo ecclesiam alterius contrahentium, vel parentum aut gubernatorum suorum.* It hath also the usual proviso, that, if it be obtained by any fraud or false suggestions, then it is of no force, *et in eo casu inhibemus quibusvis ministris ne ad solemnizationem dicti matrimonii procedant.* —And yet, after all these guards thrown in, and cautions taken, we find this further advertisement at the end of it in the English tongue, I suppose for better notification, that “the minister shall not “solemnize this marriage without the consent of “their parents or governors, who are hereby li-“censed to marry.”

I shall make no other remark upon this, than, that all the constitutions since made are agreeable thereto.

There is one point yet behind, which has so close a connexion with this subject, that I cannot forbear touching upon it. And that is, what time of abode in any place is requisite to make any person a parishioner in the eye of these laws. Some rule of this kind ought to be fixed, otherwise new perplexities may arise to us from that quarter.

But there is no ecclesiastical rule for this, by which we can safer abide, than that which, I take it, all the discreet and cautious ordinaries and their surrogates go by, for the granting of licenses to marry; and which is laid down in the sixteenth chapter of the Constitutions and Canons Ecclesiastical made in the year 1640. And which, though

they have not a sufficient sanction, contain rules proper for those who act at discretion, as both the ordinaries and we do in this matter of granting and executing licenses. The rule is this: "That no license of marriage shall be granted by any ordinary to any parties, unless one of the said parties have been commorant in the jurisdiction of the said ordinary, for the space of one whole month, immediately before the said license be desired." By parity of reason, if *one month* be required to bring a person under the ordinary's jurisdiction, and to entitle him to the benefits of the ordinary's grants, no less time should seem requisite to make him a parishioner in the place of such his commorancy, and to entitle him to the benefits of that claim.

I have now gone through with what I proposed, and have said all that is necessary for a full explication of this important canon, and for shewing its relation to, and connexion with, all other<sup>c</sup> ecclesiastical constitutions.

<sup>c</sup> See the references in the last discourse. As to those which relate to *consent of parents*, they follow here. Among the conditions on which licenses were to be granted, one is, *Quod ad nuptiarum solennizationem non accedant, nisi assensu et expresso consensu parentum, sive tutorum prius impetrato.* *Const. Eccl. p. 249.*

Nulli autem cujuscunque sexus, dignitatis, aut ordinis (in parentum seu gubernatorum cura et regimine existenti) concedatur, nisi prius constiterit de expresso consensu parentum vel gubernatorum suorum (si forte parentes excesserint e vita) idque parentum significatione, aut gubernatorum judici person-aliter facta; vel chirographis ipsorum, quibus fidem habendam esse non putamus, nisi per nuncios honestæ conditionis et famæ illæsæ mittantur, qui fidem faciant se de parentum aut gubernatorum manu chirographi hujusmodi recepisse veris nominis.

And from the whole it will appear, that there is no one law to be found in this set of canons relating to the duties of parochial ministers, which is in some respects more punctually observed, and in others less regarded, than this same canon is: or for the breach of which, in some respects, the penalties are so rigorously exacted, and for the breach of which, in other respects, the penalties are so little dreamed of, as in this. There is a pretty obvious reason indeed to be given for this. The peace and interest of private families, as well as of particular persons, are deeply concerned in the due execution of some parts of it; but, in the due observance of other parts of it, nothing more is concerned than ecclesiastical discipline and order. We are allowed by the laity to break through as many rules of our own office as we please, provided we break through those only. But if we break in, though never so little, upon those rights and privileges which are secured to *them* by law, we are such transgressors as may not pass unpunished.

We cannot but be very sensible likewise, that though the world is grown so fond of licenses, that scarce any who can afford to take them out will be married without them, yet no one thing in the whole course of proceedings in the ecclesiastical jurisdiction is more complained of than the abuses  
bus et cognominibus per hujusmodi nuncios designandorum.  
Ibid. p. 250.

All these particulars, with a very small alteration, are thrown into the 62d, 102d, and 103d canons.

“No children, under the age of twenty-one years complete, shall contract themselves, or marry, without the consent of their parents, or of their guardians and governors, if their parents be deceased.” Can. 100.

that are sometimes made, and the inconveniences that sometimes follow upon this privilege. And the officiating clergy seldom fail to bear their share of blame, for their share in the execution of such licenses as give the offence.

Many attempts have been made to remedy this matter, but still they have proved ineffectual. Very wholesome provisions had been made in the constitutions of 1584 and 1597, under the chapters, *de moderandis indulgentiis*; yet it appears by a letter of archbishop Whitgift's<sup>d</sup> to his suffragan bishops, that these constitutions had no good effect as to this article. The next reform was in our present body of canons; in which rules are laid down both to the ecclesiastical officers and the clergy more distinctly and fully than in any former constitutions.—Yet these rules, many of them at least, are far from being strictly observed. Of which I have in part given you the reasons<sup>e</sup>. There

<sup>d</sup> See Strype's Life of Whitgift, p. 522; and Wilkins's Councils, vol. iv. p. 353.

“ All this notwithstanding,” says he, “ there come daily com-  
“ plaints unto me, out of several parts of this province, that  
“ some ministers, neither regarding her majesty's pleasure, nor  
“ careful of our credit, do marry some couples in private houses,  
“ others do marry those who come to be married at unseason-  
“ able hours;—as if ordinances were to be restrained, and min-  
“ isters set at large to break all good orders,” &c.

<sup>e</sup> In the year 1690, or 1691, a bill was brought into the house of lords against clandestine marriages, the purport of which was to make it *felony* in the minister who should solemnize or officiate at such a marriage. But after debate it was dropped, and chiefly upon these suggestions:—That better laws could not be contrived, than those already made, to prevent clandestine marriages: and, were our ecclesiastical constitutions duly observed, and vigorously prosecuted against all those who violate them,

was a further attempt made in convocation, so lately as the year 1712, by a proposal for an act of parliament<sup>f</sup> to regulate licenses, and enforce the ecclesiastical laws about marriages, wherein the observance of this sixty-second canon was to be strictly bound upon the clergy<sup>g</sup>. But it came to nothing.

there would be no need of making acts of parliament, or establishing sanguinary laws against the clergy for preventing them. —That most of the stolen marriages that are complained of, are brought about by the dispensations of publication of banns, which was the original law to prevent clandestine doings; the rules laid down in the canons of 1603, for granting these dispensations, not being strictly observed as they ought to be. For, were all the rules and cautions there provided but duly executed and observed, it is scarce possible any clandestine marriage should ever happen. Therefore chancellors, commissaries, and their registers, are to be looked to, if we would have security in this matter.

All this was fully set forth in a paper wrote by Dr. Humph. Prideaux on this occasion: which was printed, and is very worthy of perusal.

See this account in his life, p. 81, &c.

<sup>f</sup> Proposals of the lower house of convocation, about matrimonial licenses, April 30, 1712.

Whereby judges ecclesiastical, proctors, registers, as well as clergy, were to be fined for all wilful miscarriages, &c.

<sup>g</sup> Viz. whereas sundry ordinances, canons, and constitutions, have been formerly made, for preventing irregular and clandestine marriages, and for the regulating of faculties or licenses granted for the solemnization of matrimony: we enjoin them all to be carefully observed by all persons whom they concern, upon the several penalties of the said ordinances, canons, and constitutions expressed. And for the more effectual preventing such clandestine marriages, as well as for the reformation of sundry and grievous abuses, in the granting and obtaining such licenses, we do further ordain and decree, that “no parson, vicar, “or curate, upon pain of suspension *per triennium ipso facto, ut supra.*” Wilkins’s Councils, vol. iv. p. 654.

And two years after, viz. in 1714, a set of canons were drawn up in convocation for the same end<sup>h</sup>.

<sup>h</sup> Draught of canons for regulating matrimonial licenses, in order to the more effectual preventing of clandestine marriages, June 16, 1714.

The substance of the said canons is as followeth (see Wilkins's *Councils*, vol. iv. p. 659):

1. All persons concerned are charged, and enjoined, to see the 62d, 63d, 70th, and 100, 101, 102, 103, 104th canons duly observed.

2. That, in every license to be henceforth granted, the name of the parish church, or chapel, where one of the parties to be married dwells, or the names of both (if both parties lie within the jurisdiction) shall be inserted, *and no other*. The ordinary, or surrogate, offending herein, to be suspended for a year. A license obtained for marriage in any other church besides the parish church, &c. to be void. The parties marrying by such license to be punished as for a clandestine marriage. And the minister that marries them to be suspended for one year.

3. No license to be granted, unless one of the parties have been commorant within the jurisdiction for the space of one whole month, immediately before the said license be desired.

4. No license to be granted to any person under the age of twenty-one years, unless the parents, &c. expressly declare their consent in person, or by writing. The said writing to be attested upon oath, and an act to be made of the exhibiting thereof, and of the oath of the messenger who exhibited it.

5. No parson, vicar, or curate, under pain of suspension *per triennium ipso facto*, shall substitute, or employ knowingly, or wilfully permit or suffer any other minister to marry in his church, or chapel, without banns or license lawfully obtained.

6. Matrimony may be celebrated on any day in the year, except on Ash-Wednesday, and in passion week, and the 30th of January, and all other solemn days of fasting, for which a particular service shall be enjoined by public authority. On all such days no minister may presume to celebrate marriage.

7. In all entries of weddings in the parish register, distinction to be made of those who are married by license, adding the name of the judge who granted the said license, and inserting the date

But they never were confirmed, or received their authority; so that we are left upon the sole footing of these canons, saving the additional penalty for a clandestine marriage, to be inflicted by virtue of a stamp act in the tenth year of queen Anne. Which is the best provision we have against the gross practice of marrying without either banns or license.

My chief design and end in all I have been saying about this part of the canon, that respects persons under age, may be comprised in these two monitions.

First, that the canon, in every view of it, is an unexceptionably plain rule for us in all cases of minors asked out by banns. And that, if any of us should happen to be prosecuted for not observing it, the penalty will be as inevitable as the rule is plain.

Secondly, that when licenses are granted to persons under age, though our rule may seem less plain, and the ill consequences of not adhering to it may be more out of sight: yet we have the benefit of a greater liberty of acting as we please, than in the former case. Because we cannot be strictly bound at any time to the execution of such licenses. And whensoever there is any reasonable doubt, any real grounds of suspicion about the legal procurement of them, we shall do the prudent thing in forbearing to execute them. Let all the faults, if such there be, in the management of this indulgence of licensing, and all the blame lie where they should. Let them lie solely at the door of the ecclesiastical officer who grants the faculty; and let the parochial clergy stand clear of them.

of it: with the names of the parishes where both parties lived at the time of its being granted.

## VISITATION CHARGE ANNO 1749.

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### DISCOURSE XIV.

*Upon several Canons, but more particularly the seventieth, about Parish Registers.*

REVEREND BRETHREN,

IF what I am now going to deliver to you should have the appearance rather of a miscellany, than of a just discourse, you will remember that the nature of the design I am prosecuting confines me to a fixed and certain method, and obliges me to observe the order of the several subjects as they lie before me, though there be no sort of connexion between them. And the end of the said design, which is your satisfaction (if in my power to give it you) in some obscure or doubtful points in these subjects, requires me to be more or less particular upon each of them, as they are more or less easy to be explained, or of more or less consequence to be examined and cleared up.

I have already dwelt so long upon the sixty-second canon about marriage in my two last charges, that nothing remains to be said upon the sixty-third canon about marriages in exempt churches. And especially as the canon itself is no more than a direction to the ordinary how he shall proceed, in case any minister shall not observe the foregoing canon, “under colour of any peculiar liberty, or

“ privilege, claimed to appertain to certain churches, “ or chapels,” within his jurisdiction.

The sixty-fourth canon, “about bidding holydays “ and fasting days, at the time appointed in the “ communion book,” refers to a rubric in the old Service Book which is now superseded. For, in all the Common Prayer Books down to the restoration, the declaration of holydays was ordered to be made after the sermon or homily; whereas the present rubric fixes another time for it. Yet this canon is nevertheless in force, as to the censures contained in it, if any one should purposely, or as the canon says *wittingly* offend therein. Which, though it can hardly be supposed any one should at this time of day, was yet to be suspected might happen for several years after the reformation, as well from ministers popishly affected, who retained an esteem for the abrogated superstitious days<sup>a</sup>, as from those puritanically inclined, who thought those few retained in the protestant calendar to be too many. But both these dangers are now over, as our present clergy cannot lie under temptation, either to add or omit any thing in the declaration of holydays ordered by the new rubric in the last revisal.

In the two next canons likewise, I apprehend we are very little concerned. For though the one be entitled, “ Ministers to denounce recusants;” and the other, “ Ministers to confer with recusants;” yet the execution of both, as appears from the tenor of them, appertains more to the ordinary than to the

<sup>a</sup> For this reason the bishops were wont to inquire in their visitations, “ whether any of their curates bid any other days “ than were appointed by the new calendar.”

See Wheatly on the Common Prayer, p. 270.

parochial clergy. The ordinary, by the first of them, “is to see and give order” about denouncing excommunicates; and the bishop of the diocese, by the other of them, is “to appoint” or “to approve” the minister, who shall be intrusted with conferring with recusants.

However, I would here observe, for the better understanding of these canons, that by *recusants* in the former of them (or the sixty-fifth) are meant recusants at large, including all kinds of dissenters from the established communion<sup>b</sup>. (But you know, since the toleration of dissenters, the crime of this recusancy, at least all that was judged so by the state, is no longer charged upon them, or condemned by sentence of excommunication.) But by *recusants* in the sixty-sixth canon are meant *popish recusants* only, or those who did not repair to the established service on account of their attachment to the see of Rome. And the reconciling of these, if possible, was thought of such difficulty, as well as importance, that none but a preacher, or a licensed man, might undertake it, nor even he, without the special ap-

<sup>b</sup> All persons whatsoever, not repairing to the established church and service, were to be punished as such. By 23d Eliz. c. 1, 29th Eliz. c. 6, and 35th Eliz. c. 1. And there were forms of submission appointed, as well for *seditionaries*, *recusants*, (35th Eliz. 1.) as for *popish recusants*, (35th Eliz. 2.) They who would know how this matter of recusancy stood, and the jealousies of the government about it, may consult—the Council’s letter to Archbishop Grindal about recusants in 1581, with his directions to his officers thereupon. Strype’s Life of Grindal, p. 264, and Wilkins’s Councils, vol. iv. p. 301. Also the Council’s Letter to Archbishop Whitgift about Recusants in 1594, with his directions thereupon; Wilkins’s Councils, p. 346; and Whitgift’s Letter to his Suffragans about excommunicating Recusants in 1598; Wilkins’s Councils, ibid. 359.

probation and direction of his diocesan, who was to take care, in case the minister of the parish might not be thought sufficient, to procure some neighbouring clergyman to discharge this office.

There is another canon about presenting of popish recusants, viz. 114, which, though placed under another title, will fall most properly under our consideration here. Wherein they are distinguished further into *absolute recusants*, and *half recusants*, (*absolutè et ex parte recusantes*.) By the one were meant papists professed, by the other, such as came to church, but refused to receive the communion. And this presentment was to be made by the clergy only, and by them yearly on pain of suspension. But this order is obsolete and of no effect with regard to the popish half recusants, because, since the pecuniary mulcts for not coming to church have ceased to be levied, there are no such half recusants among us. And the end of it, with regard to the declared papists, is now answered another way, which is by our certifying their numbers to our ordinaries, as often as we are called upon to make such inquisition in our respective parishes.

And for the reasons above mentioned, as I take it, we are no longer under obligation to follow the direction given in the 112th canon, of presenting, along with our churchwardens, all the non-communicants at Easter, who are above sixteen years of age within our parishes. For this seems only to have been framed for the better discovery of recusants of all denominations. But now since all the sectaries are exempted by the toleration, and many other and more effectual laws enacted for the convicting of papists, this method of information by

presentment is quite dropt, and is grown out of date.

And as to the 113th canon about presentments by ministers, which I take this opportunity of just touching upon, though it is in its full force, and may sometimes very properly be put in execution by us; yet it is no injunction upon us, but only a permission or a warrant for us either to join in a presentment, or to make presentment alone, if we judge proper, of notorious and scandalous offenders.

To have such power is useful. But the exercise of it is, and was designed to be, a point of discretion.

And now, after this little digression to three canons that lie under another title, I return to the place I had left, and proceed to the sixty-seventh canon, entitled, "Ministers to visit the sick." Concerning which, though abundance might be said of its importance as a ministerial duty, and the never ceasing obligation of it upon us in its own nature, yet, considered as a canonical injunction, I have only these two remarks to make.

The first is, that it doth not certainly appear from hence, whether we are to visit the sick without being sent to or not. "When any person," says the canon, "is dangerously ill in any parish, the 'curate,' having knowledge thereof, (*Minister ea de re certior factus,*) "shall resort," &c. which may be understood either of information by a special message, or otherwise by common report.

The intention of our church (says L'Estrange)<sup>c</sup> is, that the ministers should come, both sent for and unsent for. And he quotes thereupon an order of

<sup>c</sup> *Alliance of Divine Offices*, p. 297.

Polycarp's, Let the presbyters visit all sick persons. Yet Mr. Wheatly<sup>d</sup> observes, and pertinently enough, that, in our present rubric<sup>e</sup> before the office of visitation, the care of sending for the minister is left to the sick. For the priest himself (as he adds) may never have heard of his sickness, or, if he has, may not be so good a judge when his visit will be seasonable, or when the party is best able to join with him.

This is therefore a matter that must be left to the discretion of the clergy. The canon will be fulfilled, as it may be interpreted, either way.

My other remark is much of the same nature. The canon says, if the minister "be no preacher," he shall follow the order of the communion book in his visitation of the sick. But, if he be a preacher, "then as he shall think most needful and convenient." But the old distinction between preachers and non-preachers is too much worn out to serve for a rule in the present times. The privileges of preachers do by custom belong to the whole order. Therefore the liberty of using other forms of visitation, than that prescribed in the office, as occasion may require, should seem to be common too. Especially as it must be acknowledged that the office in the Common Prayer is deficient in many cases; and as there are several other very proper and useful forms composed to supply the defects thereof.

As to the question, whether by the act of uniformity we be not restrained from using any private forms, even on these occasions, I should leave it to

<sup>d</sup> Common Prayer, p. 420.

<sup>e</sup> When any person is sick, notice shall be given thereof to the minister of the parish, &c.

the learned in the law to determine it. But certainly there is so much reason to be pleaded for this liberty, and so much countenance given to it in this canon, that no clergyman need apprehend any danger of censure for making use of it. Provided always that he be discreet in that use, and doth not neglect or intermit the use of the prescribed and authorized form, so far as it is adapted to his purpose<sup>f</sup>.

<sup>f</sup> There is another canon, which, though placed under another title, hath an immediate relation to this. For though it be entitled, "A chest for alms in every church," yet the principal subject of it is a direction to ministers, "diligently to exhort their parishioners, and especially when they make their testaments, to give as they can best spare to the said chest," for the use of the poor. And to this the rubrics in the office of Visitation of the Sick do evidently relate, viz. such as direct that "people shall be admonished to make their wills, if they have "not before disposed of their goods, and to give liberally to "the poor, if they be of abilities so to do." In my remarks on these rubrics in my fourth discourse, I have given an account of the occasion and reasons of this canon; to which I now refer, and need not repeat: but shall only observe, that as that part of the present canon, which requires the minister to move persons, when they make their wills, to contribute to the poor man's box, by telling them,——"that whereas heretofore they "have been diligent to bestow much substance, otherwise than "God commanded, to superstitious uses, and that now at this "time they ought to be much more ready to give to the poor," &c.; as this argument I say, borrowed from king Edward VI.'s Injunctions in 1547, when it had its full weight, and applied before it was altogether out of date, in the year of the canons, viz. 1603, can have no place or use at this time of day; and as most other arguments for the supply of the poor's box, or chest of alms, are almost out of date with us, the poor's boxes themselves being so in most places; I do suppose that the purpose of this canon may be thought sufficiently answered, if ministers be careful to recommend almsgiving to their people at all pro-

Come we now to the sixty-eighth canon, about public christenings and burials. In which whatever might seem to admit of a doubt is cleared up in the rubrics of those offices. As, for instance, from the minister's being obliged "not to refuse baptism to "children that are brought to him upon Sundays, "or holydays," which is all that the canon enjoins, it seems to follow that he may refuse baptizing on all other days, and plead the canon for his authority. But the rubric, though it orders him frequently "to "admonish the people" to bring their children "only "on Sundays and holydays," giving also the reason of such order, yet permits them ("if necessity so "require") to bring their children to be baptized "any other day." What is to be understood by "the necessity so requiring," I have fully examined, when we were upon this rubric, and so shall drop the inquiry now.

Thus again, from the minister's being obliged not to refuse burial, "except the party deceased were "excommunicated *majori excommunicatione*, and "no man able to testify of his repentance," which is all that the canon enjoins, one would naturally gather that there are no other cases in which he may refuse burial; and that, even in this case, he may not refuse it, if it can be proved to him that the excommunicate person was a true penitent. But there is no room left for making a query upon either of these points, after we have read the rubric, which forbids not only "excommunicate persons to "be buried," but also those who are "unbaptized," per seasons, and especially when they make their wills, if a fair opportunity be given of putting in a piece of seasonable advice to that purpose.

and those who have laid “ violent hands upon them-selves.” Neither is there any proviso in it about the repentance of an excommunicate person. It speaks indefinitely of all that die under the sentence of excommunication, without leaving any discretionary power with the minister, either to absolve, or to bury as if absolution had been obtained<sup>g</sup>.

In these points therefore the rubrics are our guides, and this canon is superseded by them.

The next canon, concerning private baptisms, receives likewise improvements from the present rubric: as first, that in all such cases the form prescribed for private houses, and that only, shall be used, which, though presumed to be intended, is not explicitly ordered by the canon. Secondly, whereas the canon is a rule to the minister only in case of an “ infant’s weakness,” and “ the danger of its death,” the rubric extends the rule to any great or sufficient cause, when any great need shall compel the people to procure their children to be baptized at home. But then in one other point, which is only presumed to be intended in the rubric, the canon is explicit, namely, that information, given to the minister of any child’s danger, shall be given “ duly” and “ without any manner of collusion;” which deserves our special notice, that we do not misuse the liberty of private baptisms, granted us both by rubric and canon, purely to serve some private family convenience, or particular humour of

<sup>g</sup> There have been since the reformation, as well as before, commissions granted for burial of persons dying excommunicate, and in some cases for absolving them too, in order to Christian burial. Gibs. Cod. p. 540. Which had been unnecessary, if any power had been lodged with the minister himself.

parents, collusively represented to us under the notion of a necessity. But to this point I have spoke sufficiently before, when the rubrics before the office of Private Baptism were under consideration.

And I have only one thing more to observe of this canon, viz. that the laying this injunction so strictly upon the clergy to attend children in cases of danger, and the giving this reason for it, lest “they should die unbaptized through the minister’s “default,” is a proof that our church disalloweth the laity, on any pretence of necessity whatsoever, to administer this sacrament; and that the salvation of a child may be as safely trusted with the mercies of God without baptism, as with one that is irregular; that is to say, performed by persons not authorized or commissioned to give it<sup>h</sup>.

But the other inference that Mr. Wheatly<sup>i</sup> would

<sup>h</sup> See a remarkable article, among some others, passed by both houses of convocation, in 1575, in Gibson’s Codex, p. 446; and Collier’s Eccl. Hist. vol. II. p. 552. Wherein it was resolved, that “private baptism in case of necessity was only to “be ministered by a lawful minister or deacon, called to be “present for that purpose, and by none other. And that all “other persons shall be inhibited to intermeddle with the min- “istry of baptism privately, it being no part of their vocation.”

There is some doubt whether this article was ever published or not. See Gibson, Collier, and Wheatly, p. 353.

<sup>i</sup> Illustration, p. 355. “She (the church) supposes in the “sixty-ninth canon a child will die unbaptized, if the regular “minister do not come time enough to baptize it.” Answ. It should be added, “and also if nobody else baptize it,” which she supposes none but a regular minister should presume to do, and which she inhibits every body else from doing.

Ibid. “She expressly declares in the abovesaid determina- “tion,” (viz. that of the bishops and clergy in 1575 mentioned in the last note,) “that baptism is only to be administered by a

draw from this canon, viz. that our church disalloweth the validity and efficacy of all such baptisms

“ lawful minister,” &c.—“ A plain intimation that no baptism but what is administered by persons duly ordained is “ valid and effectual.” Answ. It should have been said rather, none but such is warrantable and regular. The difference is evident. Of the latter she gives more than a plain intimation. Of the former she gives none, unless it be an intimation to the contrary in the rubrics of the office of Private Baptism.

Ibid. “ If baptism administered by persons not ordained be “ valid, and sufficient to convey the benefits of it, why should “ such persons be prohibited to administer it in cases of real “ necessity, when a regular minister cannot be procured?” Answ. For the same reason that they are prohibited to administer it in cases of no necessity, and when a regular minister may be procured. Because such acts in them who have no authority are presumptuous, nor is their presumption less, in cases of necessity, than where there is none: because necessity doth not authorize them. And yet it doth not follow, that in any case their act, when done, is void and null, or of no effect.

Ibid. “ It would surely be better for a child to have it from “ any hand, (if any hand could give it,) than that it should die “ without the advantage of it.” Answ. But it is not better for a child to have it from a wrong hand, or any hand that hath no right to give it. And though God may ratify such act, and allow it the advantages of baptism in respect of the child, which is not concerned in the presumption of administration, yet this will not make such administrations lawful, or be a reason why they should be permitted.

Ibid. “ Our church, therefore, by prohibiting all from inter-“ meddling in baptism but a lawful minister, plainly hints, that “ when baptism is administered by any others, it conveys no “ benefit or advantage to the child.” Answ. Our church *nowhere* denies that lay-baptism is an admission into the Christian covenant and church, or that a child so baptized shall not receive the advantages and benefits of such admission, through God’s mercies, if it dies: or through its own faith and obedience if it lives. And yet she alloweth not, that any lay person hath authority to administer it, or ought to be suffered to do so.

as have been irregularly administered by lay hands, and that persons<sup>k</sup> so pretendedly baptized ought afterwards to apply to a lawful minister for the said sacrament, doth not appear to be equally well drawn. Nay, it rather appears plainly by the rubric, that nothing can authorize a rebaptization, or hypothetical baptism, but a doubt of an original deficiency, either in the matter or in the form of the institution: which are called the essentials of baptism, and distinguished as such from the authority of the administrator. But this point has likewise been al-

She takes all imaginable care that children shall have the benefits of baptism in a regular way, and prohibits irregular baptisms even in cases of necessity; for she leaves the event in extraordinary cases, when a regular baptism cannot be procured, to the wise author and appointer of the institution, whose mercies are not absolutely tied to outward means, and in whose hands she looks upon children to be equally safe, whether they be baptized by uncommissioned persons, or die without any baptism at all.

<sup>k</sup> Ibid. p. 356. "And consequently, that persons *so pretendedly baptized* (if they live to be sensible of their state and condition) are to apply to a regular and lawful minister for that holy sacrament, of which they only received a profanation before."

Answ. *Pretendedly* baptized (instead of *presumptuously* baptized) is begging the question. That they *are to apply*, &c. is more than our church any where teaches. Nor can a command or even a permission of rebaptization be found in any of her laws or constitutions. Neither can the recipient of the sacrament, in *its essentials*, be said to *receive a profanation*, purely on account of the administrator. Every sacrament is in *such a sense* profaned, when administered by evil and *profane* (though, in point of commission, authorized) men. Yet the effects on the recipients are no ways altered thereby. Art. of Rel. XXVI. can. 57. So baptism may be salutary and beneficial to a worthy recipient, though wrongfully administered by unauthorized hands, and in that sense *profaned*.

ready under consideration, when I discoursed upon that rubric, and therefore I shall not resume it now:

But proceed to the next canon in course, which is the 70th, about keeping of parish registers, with which I shall conclude this miscellany, as, I think, it may most properly be called.

And here in regard to registers, (*quorum permagnus usus est*, says the constitution<sup>1</sup> in 1597, from which this canon is taken,) the first thing I shall take notice of, is, that the ministers and churchwardens are allotted their distinct shares in the provision and preservation of them.

That they be of parchment belongs to the churchwardens to take care of at the charges of the parish. This was first appointed in the constitutions 1597. For, before that time, they were commonly in paper. And the reason given for this alteration was,

<sup>1</sup> *De registris in ecclesiis salvæ custodiæ committendis.*—“Et quia registra in ecclesiis (quorum permagnus usus est) fide liter volumus custodiri, primum statuendum putamus ut in singulis visitationibus admoneantur ministri et oeconomi ecclesiæ cum de injunctionibus regiis ea de re diligentius observandis.”

The injunction here referred to is the tenth article of queen Elizabeth’s Injunctions. Sparrow, p. 70. Accordingly among the Articles of Visitation of the same year, viz. 1559, one is, “Item, Whether they have one book, or register, kept, wherein they write the day of every wedding, christening, and burying.” Sparrow, p. 173.

So again, among the protestations in 1564, one is, “I shall keep the register book according to the queen’s majesty’s Injunctions.” Sparrow, p. 128.

Not that these were the first injunctions on this head, for those of Edward VI, in 1547, are word for word the same with the queen’s, so far as they relate to registers. Sparrow, p. 4 and 5.

that they might be more durable and better preserved as authentic records for the use of posterity<sup>m</sup>.

That a transcript of the old registers, from “the “time<sup>n</sup> that the law was first made, (viz. 1538,) so “far as the ancient books could be procured, at “least from the beginning of the reign of queen “Elizabeth,” that this transcript, I say, should be made into the new books of parchment, belonged also to the churchwardens to take care of, and at the charges of the parish, as plainly appears from comparing this canon with the constitutions of 1597.

How well either of these orders were executed by the churchwardens, after the publishing of the canons, let every one judge from what they find in the registers of their own parish.

<sup>m</sup> Deinde ut libri ad hunc usum destinati, *quo tutius* reservari et ad posteritatis memoriam propagari possint, ex pergameno sumptibus parochianorum in posterum confiantur. Iisque non modo ex veteribus libris *cartaceis* transumpta nomina eorum, qui regnante serenissima domina nostra Elizabetha, aut baptismatis aqua abluti, aut matrimonio copulati, aut ecclesiastice sepulturæ beneficio affecti sint, suo ordine sumptibus parochianorum inscribantur: sed eorum etiam, qui in posterum baptizati vel matrimonio conjuncti aut sepulti fuerint. Const. Eccl. 1597. Sparrow, p. 257.

<sup>n</sup> The first law about registers was in the 30th year of Henry VIII, at the request and by the means of lord Cromwell.

The Injunction was,—“That every parson, vicar, or curate was to furnish a book to register weddings, burials, and christenings.” Coll. Eccl. Hist. vol. ii. p. 150. And Burnet’s Hist. Reform. vol. i. book iii. p. 180.

The order in the present canon, for carrying the transcript so far back as the 30th of Henry VIII, was an improvement of the constitution in 1597, which had no further retrospect than to primo Eliz.

In the mean time, what is more pertinent for me to observe to you is, that the canon enjoins the minister<sup>o</sup> from henceforth, *in posterum*, from the time of these canons taking place, to make all the entries in the register book himself. A provision which had not been made by any of the former injunctions or constitutions.

What I would recommend to you hereupon in a particular manner is, that you would make these entrances in good ink. Which is as necessary as the parchment, to make the register a standing and durable evidence; I cannot say indeed this is expressly mentioned in the canon, yet nevertheless it is implied in the words “shall write and record.” For nothing written can be said to be *recorded*, unless it be written with ink that will stand, as well as in a hand that is legible.

Again, the provision of “a chest or coffer with “three locks and keys,” at the charges of the parish, belongs to the churchwardens. And consequently the minister is not answerable for any failure herein; or any failure of what depends upon such a coffer, and the register being so deposited in it; as, for instance, his taking the register from thence with the assistance of the churchwardens

<sup>o</sup> The writing or entering names, &c. was left to the ministers and churchwardens jointly in Edward VI.’s and queen Elizabeth’s Injunctions.

The minister indeed is ordered, in the constitutions of 1597, to read over weekly, and publicly, the names that had been entered the week before: “Quæ per singulas hebdomadas in “hisce libris inscripta nomina fuerint, ea singula diebus domi-“nicis post preces matutinas aut vesp. finitas, aperte et dis-“tincte per ministrum legantur.”

“every sabbath,” and in their presence entering the business of the week foregoing, and this too, immediately after morning and evening prayer, and then returning the book into the chest again, and securing it under all their three keys. All which particulars are consequent upon the order for the chest, and are enjoined the minister, on presumption only that the churchwardens have performed their part.

But indeed it must be confessed, that such inconveniences do likewise attend the strict observance of these orders, that they have been generally dispensed with, and the end of them answered another way.

The two principal inconveniences which I have my eye upon are these :

First, that the registers thus kept in coffers are frequently in danger of being damaged and corrupted with the damps and moisture which are often found, in our churches, to be incurable. And which would by degrees prey upon and deface the books, and defeat one great end of their preservation with so much care: which is for the sake of posterity.

And, secondly, the keeping them, as the canon directs, makes them in great measure useless to another end, for which they are kept for the benefit of the present times; viz. the granting certificates out of them, from time to time, to such persons as desire them and are concerned in them. For if these transcripts could only be made and attested at the times appointed in the canon for the book to be taken out of the chest, or at least not otherwise than in the presence both of the minister and

churchwardens<sup>p</sup>, I need not say what difficulties must arise to the parties who apply for copies out of the register. And therefore custom hath obtained for keeping these books in places assigned, either by joint consent of the minister and churchwardens, or by the minister alone, where they may be consulted with convenience and without delay; and use and prescription upon this convenience have brought the registers almost solely into the possession and custody of the ministers, which, though not so agreeable to the contents of the canon, suits mighty well with the title of it, which is, "Ministers to keep a register of christenings, weddings, and burials." Or, as it is in the Latin, *Ministri registrum conservare jussi*.

But now there is another point enjoined in this canon with regard to registers, from the literal execution of which we should by no means depart, but act in concert therein with our churchwardens. And that is the subscription of our and their names, at the bottom of each page in the book when it is filled up with entries<sup>q</sup>. Which is a

<sup>p</sup> The reason given in the canon for the three locks and keys being, "that neither the minister without the two churchwardens, nor the churchwardens without the minister, shall at any time take that book out of the said coffer."

Neque vero in unius cuiusquam custodia librum illum, sed in cista publica, eaque trifariam obserata, reservandum putamus, ita ut neque sine ministro guardiani, nec sine utrisque guardianis minister quicquam possit innovare. Const. 1597.

<sup>q</sup> Postquam autem paginam aliquam integrum multorum nominum inscriptio compleverit, tum ministri, tum guardianorum ipsius parochiæ subscriptionibus volumus eam communiri.

Idemque in transumptis ex veteribus libris *cartaceis*, paginis singulis fieri, sed diligenti ac fideli prius habita collatione. Const. 1597. Sparrow, p. 257.

matter of the greater consequence to be strictly observed, because without such subscription at the foot of every page as the canon requires, our register books are not evidence in the courts of law: and consequently may, in some very material and interesting points, prove insufficient to answer one of the great ends designed by them.

This therefore I must recommend to be constantly done, because it may happen that the civil rights and properties of private persons may greatly depend upon it.

The yearly transmissions likewise of copies of our registers (which belongs to the churchwardens to take care of<sup>r</sup>, though the minister is to join with them in the attestation) are of no small use, if regularly transmitted and duly preserved; for they will not only supply the place of a register lost or destroyed by accident, but they guard against forgeries, and restore erasements. I have myself seen the date of a baptism, upon which not only the true age of a person, but the claim to an estate depended, in consequence of the proof of such age, so cleanly erased, that, although the fictitious date appeared evidently to be a forgery, it was impossible to recover the true one. Now of what use in such case must a regularly attested transcript in the bishop's office be?

Yet if it be considered how negligent the church-

<sup>r</sup> Postremum est ut exemplar quotannis ejusque anni auctæ nominum inscriptionis ad episcopi diocæsani registrum *per guardianos*, infra mensem post festum Paschatis, transmittatur, *et sine fædo ullo recipiatur*, atque in archivis episcopi fideliter custodiatur. Const. 1597. To which the present canon hath added, "to be subscribed with the hands of the said minister and churchwardens."

wardens often are in transmitting such copies, how negligent also the bishop's officers in calling for them when not exhibited, and in keeping of them when obtained, (and perhaps for this reason, because the canon has ordered them to be received without taking any fee for the same.) And also considering the doubts, which have been of late years pretended in the temporal courts, about the admission of such evidences from the bishop's registry, which they are apt to deny to be a court of record, while no doubt is made of the authenticity of our parish registers, if duly kept and subscribed as the canon directs ; I say, considering how many ways the benefits designed by these copies or duplicates are and may be frustrated, we may perceive very great reason to take special care of the originals, and to preserve their authenticity by regular attestations.

There is one thing more I should mention with regard to registers, viz. the reserving a particular place in them for entering the birth of dissenters' children of all denominations, so far as they come certainly to our knowledge, either by information of their parents, or otherwise.

While the tax upon births<sup>s</sup> was in force, the

■ Statute 6, 7 Will. III.—Rates and duties on marriages and births.

All ministers to keep registers of the births of persons born, or baptized, in their parishes. Which registers the collectors of the taxes may view at seasonable times. Ministers offending to forfeit 100*l.*

And 7, 8 Will. III. c. 35. Every incumbent, or curate, to register the births of persons born in their parishes, and not baptized in the church. For which he is to take 6*d.* to enter it,

clergy were obliged, under severe penalties, to register all persons born, though not baptized, within their parishes, by which means the dissenters shared in all the civil benefits of our registers. But though, since the cessation of that tax, we are no longer under obligation to register their children, neither indeed can we honestly and truly register their baptisms, nor enter them into the list of our parishioners baptized, by the rules of the church; yet it may prove a piece of singular service to some of them, to have their births entered, upon the attestation of their parents, in some spare leaf of our register books: a favour which, when asked, should never be denied.

and if he neglects, to forfeit 40s. But then the parents of such children must give the minister notice of such birth, or else they must forfeit 40s.

## VISITATION CHARGE ANNO 1750.

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### DISCOURSE XV.

*Upon the seventy-second Canon about the Exercises commonly called Prophecies.*

REVEREND BRETHREN,

I HAVE observed to you more than once, in the course of my dissertations upon the canons, the necessity of referring and having recourse sometimes to the Latin edition of them, in order to ascertain the sense of the English version. For there are not only some ambiguous expressions in the translation itself, whose meanings are fixed by the original, but there are mistakes and faults also in our common English editions, which are to be corrected by the Latin copies. And there are no instances of this more remarkable than that which I am going to take notice of in the seventy-second canon, which comes now under our consideration. For I pass over the canon immediately preceding, (entitled, *Ministers not to preach or administer the communion in private houses,*) because it neither contains any thing difficult or doubtful, nor doth it furnish any matter of inquiry that may be worthy your attention.

But the seventy-second canon, which comes next, is not so easily to be passed over: for there is a stumblingblock in the threshold, and we are obliged

to pause at the very title of it. I mean in the English copies, in which it runs variously.

In some, for instance, as in those which are commonly printed at the end of our folio Common Prayer Books, for the use of churches, it runs thus :

“ Ministers not to appoint public or private fasts, “ or prophecies, or to exercise, but by authority.”

In others again<sup>a</sup>, as in the collection of Articles, Canons, and Injunctions, published by order of the archbishop of Canterbury, for the use of the parochial clergy, of which there have been several editions ; in these, I say, the title runs thus :

“ Ministers not to appoint public or private fasts, “ or to exorcise, but by authority.”

In bishop Gibson’s Codex, where the title of this canon is twice printed in different parts of the work, it is in one place exhibited as in the prayer books with the word *exercise*<sup>b</sup>, but in the other with the word *exorcise*<sup>c</sup> ; the curators of the press, as I presume, following one of the editions of the canons in the first quotation of it, and another in the second.

It is equally remarkable, that the like difference is to be found in the body of the canon itself. Where in some of the copies *exercises*, and in

<sup>a</sup> *Exercise* in the title of the canon, in the editions of Oxford 1701; Lond. 1727, 1732, 1734, 1735, 1739, 1742, 1745. *Exorcise*, old black letter canons, my collection of canons, and editions of Oxford, 1712, 1718. Lond. Cha. Bill. 1693, 1706, 1710, 1715, 1745, 1750.

In the body of the canon, *exercises* in all the editions just now mentioned, excepting the Collection, where it is *exorcises* : this was printed in 1724.

<sup>b</sup> Cod. p. 288.

<sup>c</sup> Ibid. p. 443.

others *exorcises*, are joined with the word *prophecies*, as explanatory terms, or words denoting the same thing: and I observe, that whichever of the two words in either of the copies occurs in the title of the canon, is afterwards repeated in the body of it; at least so I find it in all the editions I have consulted. By which means both the copies become faulty. For so it happens that the copy which gives the title right gives the canon wrong; and that which makes no mistake in the body of the canon commits one in the title.

All this appears very evidently from the Latin copy, which gives *exorcismos*, not *exercitia*, in the title; and *exercitia*, not *exorcismos*, in the canon. And indeed the scope and meaning of the canon, when attended to, will require these different readings in their respective places. One branch of the canon is an abrogation of a popish and superstitious use of prayer and fasting for the dispossessing of *demoniacs*, and this is denoted in the title by the term of *exorcising*<sup>d</sup>, *Ministri jejunia, et exorcismos celebrare prohibiti*. Another branch of the canon relates to a custom that had its rise among the protestants, and had been in much vogue for some

<sup>d</sup> Of the popish *exorcisms* before the baptism of infants as well as of adults, see the Constitutions in Lynwood, p. 244; and Gibson's Cod. p. 442. But the *exorcisms* meant in this canon were those used upon *demoniacs*, as may be collected not only from the term *possession*, as well as  *obsession*, used therein, but from the mention of solemn *fastings* and prayers, which accompanied the popish pretences of ejecting devils: and further, had the compilers spoke only of the *exorcisms* before baptism of infants, they would scarce have intimated that this might be done or attempted, under the authority of a license from the bishop.

years, called *prophesying*, which custom, though denoted in the title by that single term, *prophetias appellatas*, is yet further explained in the body of the canon by another term, by which it was then equally well known, *Conciones quæ vulgo exercitia, aut prophetiæ nonnullis nuncupantur*<sup>e</sup>: “Sermons ‘commonly called *exercises*, but by some called *prophecies*.’” There is no manner of doubt, but the first English versions were strictly agreeable to the Latin original, and preserved the distinction between *exorcise* in the title, and *exercises* in the canon. But it is easy to conceive, that these words, how widely soever they differ in sense, yet, being so like in sound, might be changed and put one for the other by inadvertent printers; or perhaps over-adventurous, and presuming to amend what they did not understand.

But there is another exception to the English title of this canon, in respect of the fasts, which cannot be so readily accounted for. The Latin title runs agreeably to the substance of the first branch of the canon, in these words, *Ministri publica jejunia privato ausu celebrare prohibiti*. For which the English has, “Ministers not to appoint public ‘or private fasts, but by authority.’” Now the canon is evidently levelled against the private presumption of ministers, who took upon them, without order from their superiors, to enjoin public fastings, and not against their holding private fasts themselves at their own discretion, nor against their enjoining or recommending them in a private manner to others within their own cures, as they should see occasion:

<sup>e</sup> “In some places termed *prophesyings*, and in other places ‘*exercises*.’” Queen’s Letter, Life of Grind. App. p. 85.

for they could need no license from external authority for practising such secret acts of religion themselves, or for recommending them for particular reasons to others under their charge. But nevertheless it was very proper, and it seems the drift of the canon, that they should be restrained from indicting or appointing any solemn fasts, (*solemnia jejunia*,) as the canon words them, which denote public acts, and on public occasions, to be kept either at church, or in conventicles, or separate meetings. And further than this the canonical prohibition seems not to extend, when it forbids them to appoint or keep any solemn fasts, either publicly or in any private houses, other than such as by law are, or by public authority shall be, appointed, nor shall be wittingly present at any of them. Every appointment, I say, of this kind, where numbers were concerned, and consequently the public peace and communion more or less interested, is justly forbidden, unless it proceeded from, or at least had the approbation and express license of, the bishop of the diocese, without whose privity and concurrence, no such deviations from established rule and order ought to be suffered.

Having now represented to you the design of this canon, and taken notice of the errors in our English copies, there is only one thing more that may deserve inquiry, viz. the nature and tendency of those sermons called *prophecies*, which are therein prohibited. This would indeed have been thought a subject quite out of doors in our present age, if some approaches to a like practice, among some of our own order, had not given the appearance of a revival of a custom that may naturally be attended with the like consequences.

To understand this affair of *prophesying*, mentioned in the second branch of this canon, and which occasioned a good deal of alarm and disturbance in the reign of queen Elizabeth, in whose time it both began and ceased, we must look to its first origin in Scotland, among the reformers there, Knox, and his brethren the Scotch divines, in whose book of discipline, offered to the convention in 1560<sup>f</sup>, we find the first mention of this practice under the style of the *exercise of prophesying, or interpretation of the scriptures*: with the several proper rules and limitations<sup>g</sup> for the management of such liberty, that it might not run into debate and strife.

The term *prophesying* is taken from the sense of that word in 1 Cor. xiv; and their practice in Scotland was grounded on this precedent in the church of Corinth<sup>h</sup>.

<sup>f</sup> Archbishop Spotswood's History, p. 170; and Collier's Eccl. Hist. vol. ii. p. 470. But what Collier says is taken wholly from Spotswood.

<sup>g</sup> These rules consist of eight particulars, all of them well calculated for preventing the inconveniences that seemed most likely to follow such an institution: and are the groundwork and pattern of the several regulations of the exercises in England. They are printed at length in Spotswood, p. 171; and again in Collier's Eccl. Hist. vol. ii. p. 470. The whole policy, of which this scheme of prophesying is only a part, was framed by John Knox, "partly in imitation of the reformed churches of Germany, and partly of that which he had seen in Geneva." Spotswood, p. 174.

<sup>h</sup> So say the Scotch divines in the Book of Discipline, Spotswood, p. 170. But, as Collier remarks, there "was a great disparity in the case; for the Corinthians were furnished with miraculous assistance, and governed by supernatural impulse." Ibid. However, the said divines do evidently speak of a gift of interpretation, which was not every man's talent, and to which

The first account of the like practice that we meet with here in England, under the term of *prophesying*, was the establishment of it at Northampton in 1571, with the consent of the bishop of the diocese<sup>i</sup>, and with the approbation also of the civil magistrates of that town<sup>k</sup>. The institution itself was commendable, for nothing more was intended by it, than *exercising*<sup>l</sup> of the clergy in the interpretation of scripture, with a view to promote good learning among them, and to preserve harmony of doctrine. And this design was so well adjusted, and put under

they attribute something more than human. Nor were they singular in this opinion. Many learned men in those times put the same sense and interpretation upon that passage of St. Paul; and argued from thence, that there lay an obligation upon all the churches of Christ to observe the practice. Strype's Life of Grindal, p. 237. For the truth of which, he refers to a paper in the Appendix No. 12, which is a diatribe upon the 1 Cor. xiv. 29, "Prophetæ duo aut tres loquantur," &c. and which contains the most that can be said in favour of such an institution.

<sup>i</sup> Dr. Scambler.

<sup>k</sup> Strype's Life of Grindal, p. 175, 176, and 219. According to whom, a society was established at Northampton for reformation in religion and manners, (the first of this kind, I presume, that we hear of in this kingdom,) and not only the bishop, the mayor, and his brethren, but the queen's justices of the peace gave all countenance to it. The prophecies, or exercises, were only one branch of the religious observances enjoined: but it was the chief and most material.

<sup>l</sup> "The manner was thus: Certain of the ministers who were appointed (discoursing orderly one after another) handled some text (given as it seems by the bishop) opening the same plainly and briefly before the people. Then, the congregation being dismissed, the ministers withdrew into some convenient place, and conferred among themselves, as well touching doctrine as good life and manners, and other orders meet for them to observe." Strype.

such prudent and useful regulations, that the clergy, in many parts of the kingdom, were induced to copy after the same example, and chiefly in the large market towns, whither the neighbouring ministers might with convenience resort to the exercise, and where also there were numerous congregations of the laity to share in the advantage, which it was supposed they also would abundantly partake of<sup>m</sup>. And indeed, so long as the original rules and orders were observed, it was a practice not only unexceptionable, but promised good effects in that age of the reformation, when great ignorance and superstitions still prevailed both among the clergy and the laity. On these considerations the exercises were espoused by several<sup>n</sup> of the bishops, and were not discountenanced by the government, so long as what was done in them was done without giving offence.

But as the best designs will sometimes miscarry, through the indiscretions of those who have the ex-

<sup>m</sup> We find in the year 1574, that these exercises among the ministers and curates of churches were used in most dioceses. *Annals of Eliz.* vol. ii. p. 318.

<sup>n</sup> By some of them very warmly, as the bishop of Norwich, Lincoln, but most by Grindal, in whose letter to the queen on their behalf he uses these words: — “ For my own part, be-  
“ cause I am well assured, both by reasons and arguments taken  
“ out of the holy scriptures, and by experience, that the said  
“ exercises for the interpretation and exposition of the scrip-  
“ tures, and for exhortation and comfort drawn out of the same,  
“ are both profitable to increase knowledge among the min-  
“ isters, and tendeth to the edifying of the hearers, I am forced  
“ with all humility, and yet plainly, to profess, that I cannot  
“ with safe conscience, and without the offence of the Majesty of  
“ God, give my assent to the suppressing of the said exercises.”  
See his whole letter in the App. to his *Life* by Strype; and  
in Collier’s *Eccl. Hist.* vol. ii. p. 554.

ecution of them, so it happened here. These exercises were in a little time perverted, and the necessary regulations of them broke through. Among the earliest innovations made in them, that which turned most to the prejudice of the institution was, the permitting those of the clergy to join in these exercises, who had been suspended or deprived for non-conformity to the established Liturgy; and who took this opportunity to raise and vent controversies about church discipline, and even to call in question the establishment by episcopacy. These and other irregularities were first complained of in the diocese of Norwich<sup>p</sup>, in the year 1573, which coming to the queen's ears, she ordered archbishop Parker to put them down<sup>q</sup>; which, with some opposition, he effected in that diocese: and afterwards it being remonstrated from other places, that lay persons took upon them to expound scripture at these meetings<sup>r</sup>,

<sup>o</sup> Collier tells us, that others were too eager to distinguish themselves, discovered their vanity, and topped upon those of lower attainments.—*Ibid.* p. 547. That sometimes their satire was played upon the state: sometimes they glanced upon persons, and run out into particular invectives; sometimes the laity undertook the argument and held forth. In short, that the exercises, at last, were remarkable for squabbling and unnecessary disputes, and failed in the requisites of charity and discretion. *Ibid.* p. 553.

<sup>p</sup> *Annals of Queen Eliz.* vol. ii. p. 261.

<sup>q</sup> *Life of Parker*, p. 460. *Annals Eliz.* vol. ii. p. 321.

<sup>r</sup> The chief objections against the exercises, besides the two already mentioned, were :

1. That they were not warranted by any law of the realm.
2. Occasioned the drawing people from their labour.
3. Leading them into unnecessary disputes about religion.
4. And dangerous consequences to the established government, both in church and state. *Codex*, p. 288.

whereby altercations and opposition increased, to the utter obstruction of the design of these exercises, or prophecies, which was for the edification of the people, and promoting study and knowledge in the clergy, she wrote herself to all the bishops throughout England<sup>s</sup>, to put a stop to this growing evil, which at length, but not without great difficulty, was done: for we still find these prophecies subsist in Hertfordshire in the year 1577<sup>t</sup>, and in the diocese of Chester, though under new regulations, so late as the year 1585<sup>u</sup>. And one would imagine, either that they had not been entirely suppressed at the time of making these canons, or at least that there remained some disposition towards the revival of them, from the prohibition of them in so strong terms.

From what has been now said, for the better explaining this canon, you see the reasons why it was thought expedient to discountenance and prevent all

<sup>s</sup> See her letter, Life of Grindal, App. №. 10. p. 85; and Collier's Eccl. Hist. vol. ii. p. 559.

<sup>t</sup> Annals Eliz. vol. ii. p. 486. The exercises here continued the longer, as being under better regulation than in other places. See the rules and regulations agreed to and signed by the bishop of Lincoln for this county. Ann. Eliz. vol. ii. p. 318. But the queen nevertheless commanded the said bishop to suppress them. See her letter, App. №. 9.

<sup>u</sup> Annals Eliz. vol. ii. p. 324. Direction of the ecclesiastical exercise in the diocese of Chester. Ibid. App. №. 38. p. 73. Bishop Chadderton's authority to the moderators of these exercises. Ibid. №. 39. p. 74.

To these orders and regulations of the prophecies, by the bishops of Lincoln and Chester, we may add those of archbishop Grindal, which may be found in his life by Strype, p. 220; and in Collier's Eccl. Hist. vol. ii. p. 553. The substance of them all is pretty nearly the same.

unauthorized meetings for prayers and fastings, or for expounding scripture, or for exorcisms. From all which the clergy were restrained, under severe penalties, unless they undertook them by the special license of the ordinary of the diocese where they lived.

The inference I make from hence is, that whatever some persons of our own function, now at the head of certain religious societies, publicly convening to perform a divine service, and to expound the scriptures, without any license or authority from their governors, either in church or state; I say that such persons, whatever they may pretend of their acting within the canons and constitutions of this church, will find it a difficult matter to reconcile their proceedings to this canon in particular, not to mention others that are likewise unfavourable to their pretensions. But I do not mean to step out of my road to consider or to censure their conduct; only as the ecclesiastical law, that we are now upon, seems to be an evidence of the judgment of this church against them, I conceive it may not be unseasonable to take notice of it in this place.

The complaints against those exercises, which this canon prohibits, were, that I may use the queen's own words in her circular letter to the bishops above mentioned, that through them "No small number of persons presumed to be teachers and preachers of the church, though neither lawfully thereunto called, nor yet fit for the same. That they unlawfully procured assemblies of people, out of their ordinary parishes, to be hearers of their disputation and new devised opinions

“ upon points of divinity, far unmeet for vulgar  
“ people. By which manner of assemblies, great  
“ numbers, especially of the vulgar sort, meet to  
“ be otherwise occupied with honest labour, were  
“ seduced, and, in manner schismatically, divided  
“ among themselves into variety of dangerous opin-  
“ ions, not only in towns and parishes, but even in  
“ some families, and manifestly thereby encouraged  
“ to the violation of the laws, and to the breach of  
“ common order, and finally to the offence of all  
“ quiet subjects, who desired to live and serve God  
“ according to the uniform orders established in the  
“ church.”

On these and the like reasons, were the *exercises* suppressed. And on the same we must presume the canon to be founded, in order to prevent the like innovations from being any time hereafter introduced again, and set once more on foot within the kingdom.

It cannot indeed be said that the persons I am now speaking of do *directly* infringe the canon, because the practices opposed therein are not revived or set forward in the very same sort, or under the very same names. But if stated meetings for religious service are appointed, particular forms or ordinances are enjoined, and this *privato ausu*, as the canon words it, without any express permission from the diocesan; if laymen and persons of no education or learning take upon them, either by the direction, or under the wings and patronage, of private clergymen, to exercise and prophesy; that is, to expound the sense of scripture publicly, and to insist on their own expositions as the only true doctrine of the gospel, though not always ac-

cording to the most approved interpretations that have been generally received by the catholic church in all ages; if they perplex and distract the minds of serious and well-meaning people, with doubts and difficulties about their title to God's pardon and favour, and require terms of acceptance as necessary, which yet are neither plainly read in scripture, nor can be plainly proved thereby; if also pretence be made, by a new kind of exorcism, of delivering persons who labour under the pangs of the new birth, and this too openly and in their public assemblies; and all these things continued, carried on, and persisted in, with real good intention, I verily believe, of making people better, but, at the same time, in defiance of the bishop's authority and the laws ecclesiastical; then I conceive, that their proceedings, from their analogy with those in former times, do immediately fall under the censure of this canon.

And though the Act of Toleration be supposed so extensive, as to screen every innovation or irregularity of this kind, and to indemnify even laymen who, with the civil magistrate's license, open religious conventicles; yet what I am observing, is, that such as profess themselves ministers of this church, are cut off from all pretensions of acting agreeably to the constitution and rules of this church, if they either form or draw together separate congregations for doctrine or worship, or, by their presence, encourage and abet the same.

The like objection, in good measure, lies, and has been occasionally urged, against the societies for reformation of manners, which were of late years in much greater repute, within this realm, than

they are at present. For, as to the clergy in particular, it has been justly observed, that, without the previous license of the ordinary, they could not concern or interest themselves in such assemblies nor be lawfully present at them. Nay it has been questioned whether the ordinary, however he might connive, or secretly approve, could, agreeably to the canons, license such meetings. For although the exercises seem permitted in this canon, under the proviso of a license, yet the very next canon, which is the seventy-third, makes no such reservation. For, by that, “No priest, or minister of the word “of God, nor any other persons, shall meet toge-“ther in any private house, or elsewhere, to consult “upon any matter or course to be taken by them, “or upon their motion, or direction, by any other, “which may any ways tend to the impeaching of “any part of the government and discipline, now “established in the church of England.”

The question, I say, is, whether private conventions or combinations, whether of clergy or laity, for the putting the laws in execution against profaneness and immorality, and for the reformation of other people’s manners, who are not members of their society, by making informations against them to the civil magistrate, do not tend to impeach the government and discipline which is now established in the church of England?

However, as one would always be tender in making reflections on any persons’ proceedings, who appear to be influenced with a real zeal to promote God’s glory, and to advance and encourage the spirit of piety and religion among their neighbours,

which we are all very sensible has, of late years, fallen into visible decay; so I forbear prosecuting these points any further, having already said as much upon them as naturally arose from the tenor of the canons which we have been considering.

## VISITATION CHARGE ANNO 1752.

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### DISCOURSE XVI.

*On the three last Canons of the second Title about Apparel, Sobriety, &c.*

REVEREND BRETHREN,

IT is now above twenty years since I first took in hand a discussion of our obligations, as clergymen, to the ecclesiastical laws of the realm; and made use of my privilege of addressing you, on these occasions, in explaining and enforcing some branch or other of those laws, each time of our meeting, in this manner, together.

So that now a great progress is made in my undertaking, and I am come to my twelfth and last discourse upon the canons. Which, as I hope it will meet with your wonted attention and candour, so I presume will not be the less satisfactory for putting an end to these dry subjects, with which I have troubled you so long. And yet, my brethren, however dry they may have seemed both to myself and to you, yet, at the same time, I do not know of any subjects that are generally more useful to the parochial clergy, or more suitable to the design of ordinary visitations.

The three last canons under this title of *Ministers, and their function and charge*, which take in what remains of my proposed scheme, come now under ex-

amination. The first of them relates to decency in our apparel; the second, to sobriety in our conversation; and the last, to perseverance in our calling.

Of these in their order.

And, first, that which relates to the decent apparel of ministers, is one of those canons that obliges only in those general clauses, in which the end and design is contained and expressed, exclusive of the means. The general purport, for instance, of this canon, is to enjoin a distinction, and a gravity in the dress of the clergy, whereby they may be known to all people to be of that order, and be sufficiently distinguished from the laity, at all times, and on all occasions, whether in their journeys abroad, in their abode at home, or in their common conversation in their neighbourhood. But as for the particular clauses that describe and enjoin that prescript form of habit, which was used in the reign of king Edward the VIth, and continued by public authority in the reign of queen Elizabeth<sup>a</sup>,

<sup>a</sup> In the thirtieth article of her Injunctions set forth in 1559, we have these words:—" Item, Her majesty being desirous to " have the prelacy and clergy of this realm to be had as well in " outward reverence, as otherwise regarded for the worthiness " of their ministries, and thinking it necessary to have them " known to the people, in all places and assemblies, both in " the church and without, and thereby to receive the honour " and estimation due to the special messengers and ministers " of Almighty God, willeth and commandeth that all arch- " bishops, &c.—shall use and wear such seemly habits, gar- " ments, and such square caps, as were most commonly and " orderly received in the latter year of the reign of king Ed- " ward VI," &c.— Sparrow's Coll. p. 77.

And in her Injunctions of 1564, which are called the Advertisements, we have the dress more particularly described, viz. that all deans, &c. having ecclesiastical living, shall wear, in

they are universally understood to be of no force or obligation in these our days. For, however decent and proper those garments might be reputed 200 years ago, when the injunctions concerning habit were thought necessary to be made, (for reasons which I shall presently give,) yet, as fashions in dress are of all things most changeable, there is a great difference introduced of late years by custom<sup>b</sup>,

their common apparel abroad, a side gown with sleeves, strait at the hand, without any cuts in the same, and that also without any falling cape, and to wear tippets of sarsenet.—That all having ecclesiastical living do wear the cap appointed by the Injunctions, and they to wear no hats but in their journeying.—That they in their journeying do wear cloaks with sleeves put on, and like in fashion to their gowns, without gards, welts, or cuts, &c.

Now, whosoever will compare these orders of queen Elizabeth with our present seventy-fourth canon, will evidently see, that the latter is no more than a compound of them both, or a revival of them, under some small alteration of expression.

See the Advertisements in Sparrow's Collection, p. 126.

<sup>b</sup> The prevalency of custom over canon is in no instance more remarkable than in this of dress. As may appear from the following passage in Lynwood's Commentary, viz. “Istud “itaque, ut scil. certi viri ecclesiastici utantur *cappis clausis*, “trina vice statutum est; primo per Stephanum Cant. Archiep. “secundo per Othonem, sedis apostolicæ legatum, in constitu-“tione ‘Quoniam de habitu,’ &c. tertio per Othobonum, etiam “sedis apostolicæ legatum, in constitutione ‘Cum sancti,’ &c. “Sed tamen, ut experientia rei docet, non *observatur quoad hoc*, “sicut nec *quoad plura alia*, ubi posset dubitari anno *observantes* “peccent, vel *nunquid non observantia poterit tales excusare*. Johan. “de Athona, in dicta constitutione ‘Quoniam de habitu,’ &c. “ver. *cappis clausis*, ponit pro fundamento, quod subditi non “admiserunt has constitutiones, et propterea arguit, quod per “eas non arctantur.”—Lynwood, p. 118.

And one of John de Athon's distinctions is no less remarkable: “[Si constitutio] non habet executionem annexam, nec in

even in the dress of the clergy, though it be least of all subject to change. So that those very habits designed by the canon to express gravity, and procure reverence, (which is the professed end of all distinctions in our habit,) if now made use of by us, after another fashion hath prevailed, would produce, without fail, the very contrary effect, and render us almost ridiculous to all that should behold us. So that a literal compliance with the canon, after it hath been so long abrogated by custom, in respect of the particular form of dress enjoined in it, would only tend to destroy the first and principal intention of it.

There is also another thing to be considered, in abatement of any obligation to the particular clauses of this canon, which specify the apparel prescribed ; and that is, that such express appointment was intended, and was indeed thought necessary, to put a conclusion to a long and warm contest<sup>c</sup> concerning clerical habits. For it happened after the reformation, that disputes were created and held up, not only concerning the vestments in which the clergy

“ ipsa lege tollitur usus seu consuetudo in contrarium, tunc  
“ communis observantia legi prævalet non acceptatæ ; etiamsi  
“ ista consuetudo fuerit contra concilia provincialia.” Const.  
Otho. p. 37.

<sup>c</sup> The next year (viz. 1564) is remarkable for a contest about the ecclesiastical habit. “ The square cap, the surplice, and the tippet, would by no means pass with some of the late exiles. They made it their business to cry down these customary decencies, and to proselyte the people to their singularities. These ill supported scruples, and this misapplication of zeal, made the church look strangely ununiform and particoloured.”

Collier’s Eccl. Hist. vol. ii. p. 493. Where see a further account of this contest.

should publicly officiate in time of divine service, (as particularly the surplice, which controversy indeed ran to a great height, so as not to have subsided entirely to this very day,) but they extended moreover to the common and daily apparel of the clergy; as may be seen in the church historians of those times, and more particularly Mr. Strype<sup>d</sup>. And although these disputes might have greatly abated, they were not entirely ceased at the time our canons were published; for the reason therein given, why the use of the accustomed apparel should

<sup>d</sup> Life of Archbishop Parker, p. 151—174.

Appendix to the Life of Parker, p. 25—31.

Life of Archbishop Grindal, p. 98, 104.

Annals of Queen Eliz. vol. i. p. 416—430. In these Annals he tells us, that, “The charges and accusations of the habits “enjoined, as they caused great wranglings and breach of peace “among the clergy themselves, so the lay-people were growing “into an abhorrency of those that wore them, and of the ser-“vice of God ministered by them. Insomuch that, soon after, “numbers of them refused to come to the churches or sermons, “or to keep the ministers company, or salute them; nay, as “Whitgift, in his Defence writes, ‘they spit in their faces, re-“viled them in the streets, and shewed such like rude behaviour “towards them, and that only because of their apparel.’”

And how matters stood at the same time in the north, in respect of the priests’ apparel, we learn from the letters wrote by Pilkington the bishop, and Whittingham the dean of Durham, to the earl of Leicester.

“In this rude superstitious people,” says Pilkington, “on “the borders, priests go with sword, dagger, and such coarse “apparel as they can get; not being curious or scrupulous “what colour or fashion it be: and none is offended at them. “But such grief to be taken at a cap among them that are civil “and full of knowledge is lamentable.”

See both these letters, No. 25, and No. 27, of the Appendix to Strype’s Life of Parker.

not be intermitted, but continue enjoined by authority, was, “in hopes that, in time, newfangledness of “ apparel in some factious persons would die of “ itself.”

But now this is a reason which is of no weight with us, who live in times when no such contests subsist, and all the former disputes, at least about common dress, are in a manner forgotten; or if known by a few, who have the curiosity to look into history, yet serve no other end, than to explain the reason of this canon.

It is further to be observed, that the compilers (of the canons) themselves have taken care to put in a guard against too rigid an attachment to what is prescribed concerning clergymen’s habits, by inserting the caution which had been before given on the same subject, viz. “that their meaning is not to at-“ tribute any holiness, or special worthiness, to “ the said garments, but for decency, and gravity, “ and order<sup>e</sup>.”

The inference is, that, since these garments are of themselves indifferent things, those that make most for decency, gravity, and uniformity, do best answer the design of the canon; the letter of which, in

<sup>e</sup> *Queen’s Injunctions*, 1559. “ Not thereby meaning to attri-“ bute any holiness, or special worthiness, to the said garments, “ but, as St. Paul writeth: *omnia decenter et secundum ordinem* “ *fiant*.” Sparrow, p. 78.

*Pref. to the Advertisements*, 1564. “ Not as laws to bind the “ consciences of her subjects in the nature of them considered “ by themselves, or as they should add any efficacy or more ho-“ liness to the virtue of public prayer; but as temporal orders “ merely ecclesiastical, without any vain superstition, and rules “ in some part of discipline concerning decency, distinction, and “ order for the time.” Sparrow’s Collections, p. 122.

some special clauses, is upon no better a footing than other antiquated and obsolete laws: which, though never formally repealed, do yet remain in no force of obligation, being universally neglected and overlooked. A reason which discharges from the obligation of all laws, but such as are either natural or divine, and consequently indefeasible.

But, however, a decency in the apparel of clergymen, that is, such as the custom of the times makes to be decency in the opinions of men, in every several age and country, is so far from being antiquated, or becoming obsolete, that it is everywhere and constantly expected; and every deviation from it is apt to be noted and censured. For however indifferent habits may be of themselves, having in their own nature as little of profaneness, or special demerit, as they have of holiness, or special worthiness, according to this canon; yet they may be such as shall not only be highly offensive to sober and serious persons, but shall also denote a weakness of mind and a levity of temper in the person that wears them, that must inevitably hurt his character, and discredit his understanding. A man's garb doth often shew what he is. And in our profession there needeth not any extraordinary humour of extravagance, or delicacy, to shew what a man is not, viz. that he is not a clergyman, at least, that he is one who is not really desirous to be thought so.

There is good sense in an old saying, I think of St. Jerome's, against all laboured elegance of dress in a minister of the gospel, *ne calceamentis quidem decorem quærat*. Whatever may be remarked in any part of his attire, betokening or giving suspicion that his mind is swayed by any other motives

than those of cleanliness or decency<sup>f</sup>, according to his rank and station in the church, will as much tend to disgrace his judgment in the eyes of sober and wise men, as to grace his person in the opinion of those who are less discerning.

But to come to a conclusion of this article. The points I have been speaking to being duly considered, we can be under no difficulty in knowing how we may fulfil the end of this canon, as circumstances now stand with us. For that end is as easily obtained under the present modes of our habit, as it was heretofore. For there are some parts of our peculiar dress, which will at all times, and in all places, sufficiently distinguish us from laymen, and which may without the least inconvenience be worn on every occasion that calls us abroad, and even upon journeys. Such badges of our order, for instance, as the band, hatband, or short cassock: which latter I the rather mention here, because it falls in with one of the directions in this canon, which is yet very practicable as well as decent: *viz. uti ne in publicum nisi promissis<sup>g</sup> vestibus induti prodeant:* which *promissæ vestes* are interpreted in a marginal note by

<sup>f</sup> *Vestimentis etiam vel calceamentis, nisi quæ honestatem et religionem deceant, eis (sc. Clericis) uti non liceat. Si quis autem contra hoc facere præsumpserit, et commonitus emendare noluerit, excommunicationi subjaceat.* Conc. Westmonast. 1175. *ex Concilio Agathensi.* Spelman. Conc. p. 104.

<sup>g</sup> I read *promissis* from the Latin edition of the canons in Dr. Wilkins's *Councils*, instead of *premissis*, as it stands in all the other copies I have seen.

The marginal note is singular, being the only instance of that kind in the whole body of canons. The paraphrase in the English version is—"in their doublet or hose, without coats or cassocks."

*cassocks*, and in the English version of the canon by a paraphrase, which implies a liberty of wearing them short.

I think it quite needless to be more particular on this head, and shall only add a query upon a modern practice, admitted by some of our order without scruple, and by none that I know of condemned.

The case is this, and is pretty singular. There are certain places of innocent diversion and entertainment, where clergymen without their proper habit are allowed to appear without offence. But whether their appearing there, habited as clergymen, might pass without censure, is yet a question. Indeed, their thinking themselves obliged, when they resort to those diversions, to go in a mere lay dress is a presumption, that it would not be taken well, if they appeared in that which is proper to their calling. Now I am not inclined to reflect upon any of my brethren, who think proper to take the benefit of this tacit indulgence, and accommodate their dress so as to entitle themselves to this connivance. But I apprehend it will not be easy to reconcile it with the general and primary intention of the canon, which is, that all persons in holy orders shall use the clerical habit for this reason, *ut . . . extra ecclesiam a populo discerni possent ac internosci<sup>h</sup>*. And time was, when the prohibition of the use of our habit was inflicted as a censure<sup>i</sup>. But although I will not

<sup>h</sup> That they may be known by their distinct habits to be of that vocation. Pref. to the Advertisements.

<sup>i</sup> All such persons as have been or be ecclesiastical, and serve not the ministry, shall from henceforth abroad wear none of the said apparel of the form and fashion aforesaid, but go as mere laymen, till they be reconciled to obedience, &c. Advertisements, 1564. Sparrow, p. 127.

blame others for joining with the laity in any amusements that are innocent, and in a way that by custom and in common interpretation gives no offence; yet I will not scruple to confess for my own part, that I never thought any entertainment worth my seeking, or receiving, if I were obliged to disguise myself while I partook of it. For what the world will not allow me to share in publicly, with due credit to my order, I had rather forego the satisfaction of, than take it on the terms of such a whimsical and precarious courtesy. For, as their supposed disallowance of our habit on such occasions, if real, would be very unreasonable, so their apparent civility and favour in the matter, as now conducted, amounts to no more than a temporary connivance at the disguise, under which some of us seek to elude their displeasure.

But to proceed to the next canon, entitled, “Sober “conversation required in ministers;” and which, like the former, is no more than a republication of former injunctions by Henry VIII<sup>k</sup>, Edward VI,

<sup>k</sup> This canon is taken almost word for word out of king Henry VIII.’s Injunctions in the twenty-eighth year of his reign, when he first exercised his regal supremacy. The clergy were then popish, save only that they acknowledged the king’s supremacy. See Burnet’s Hist. Ref. vol. i. p. 225. See these injunctions at length, book iii. sect. 7. p. 160. Or in Wilkins’s Councils, vol. iii. p. 814.

The same injunction is repeated among those of Edward VI. in 1547. Sparrow’s Coll. p. 4. And is made an article of inquiry, at that king’s visitation, by archbishop Cranmer. See *ibid.* p. 27. And again by Ridley in his visitation of London, anno 1550. See *ibid.* p. 35.

It is again repeated at length in queen Elizabeth her Injunctions, anno 1559. See *ibid.* p. 69. And is made an article in her visitation the same year. *Ibid.* p. 177.

and queen Elizabeth, against clergymen's resorting to public houses to indulge there in riot and gaming. And with regard to our obligations to it, it is subject to much the same distinctions<sup>1</sup> that I have been observing upon the preceding canon, that is to say, the general clauses are of perpetual obligation in their own nature, viz. "that we should occupy ourselves with some honest study or exercise, always doing the things which appertain to honest, and endeavouring to profit the church of God, having always in mind that we ought to excel all others in purity of life, and should be examples to the people to live well and Christianly." But then, as to some of the special restraints, they are discreetly limited in the canon itself to certain conditions; for though, for instance, we are prohibited from "resorting to taverns or alehouses, or boarding or lodging in any such places," yet this prohibition is qualified by an ex-

<sup>1</sup> From the relation of the subject-matter of this canon to that of the former, they are comprised in one, in the Dublin Constitutions, viz. canon the forty-second, under the title of "Soberness of conversation and decency of apparel required of ministers." In which constitution our seventy-fourth and seventy-fifth canons are found *totidem verbis*, with this only difference, that the seventy-fifth is placed before the other. See Wilkins's Councils, anno 1635. And this union of them is quite agreeable to the old provincial constitutions, where those which relate to the apparel of the clergy are put under the general title *De vita et honestate Clericorum*. Lib. iii. tit. i. Where the summary of the first constitution of Stephen Langton is thus expressed;—"Omnis prælati hac constitutione nominandi, in habitu clericali et cappis clausis incedant: nec quivis clericorum comatus, aut in laicali vestitu, nisi in casu legitimi timoris, eat. *Et omnes crapulam et ebrietatem vitare compellantur.*" Lynwood, edit. Oxon. p. 117.

ception “for our honest necessities<sup>m</sup>:” and as for the other special restraints, such as the prohibition of cards, dice, and tables, they are things, in their own nature, as indifferent as the modes of apparel are; and though indeed they are in this canon put upon the footing of “unlawful games,” yet they are not otherwise illicit than as they are made so to certain persons, for certain reasons, by human authority, or rendered so by excess and abuse. If any shall suppose that it is only this excess, or abuse of games or play, that is forbidden in the canon, I will not say but it will bear such interpretation; for as the foregoing prohibition, *nec potationibus et crapulæ se dendent*, does plainly relate to excess or the inordinate use of liquor, so the next expression, *tempusve interdiu vel noctu otiose transigent in alea, chartis pictis, tesseris, aliisve ludis illicitis exercitati*, may be levelled only against the use of these games in an immoderate licentious way, and at unseasonable hours, and not against a moderate and discreet use of them. Or should we interpret the expression in the very strictest sense, as requiring the clergy *totally to refrain* from these games, as being ranked with other “unlawful” games; yet we are to remember, that what was prohibited as disreputable to the clergy, and unlawful as prohibited, in that age when these canons were compiled, may, in these our times, be neither disreputable

<sup>m</sup> Clerici in sacris ordinibus constituti *edendi vel bibendi causa* tabernas non ingrediantur, nec publicis potationibus intersint, nisi peregrinationis *necessitate compulsi*. Si quis vero tale quid fecerit, aut cesseret, aut deponatur. This canon was transferred from the third council of Carthage by the council at Westminster, 1175. See Spelm. Counc. p. 104. and Bishop Gibson, p. 184.

under a discreet conduct, (which condition is supposed,) nor unlawful, though literally prohibited, through the open and avowed indulgence of those who are the guardians of these laws.

The credit, we know, or the discredit, of any actions or behaviours which are in themselves of an indifferent nature, depends altogether upon modes and customs peculiar to the times, and on the opinions of men which are generally governed by those modes and customs. It might be a maxim in former ages, that ecclesiastics ought to sequester themselves from all secular amusements, and on no account condescend to handle a card or a die; and consequently their doing so, especially in any place of public resort, might give very great offence. Yet the taste of the world is now much altered in this respect; nor are offences taken at the clergy, as formerly, for using these diversions, so long as they do it with moderation. So that we are free from all other restraints as to the exercise of these games, save that which is supposed to subsist in the wording of this canon. Yet by this the clergy can scarce be thought to be bound; for so far as there is a relaxation of ecclesiastical censures, and even a cessation of inquiry from their superiors into their conduct on this article, so far their obligations to refrain from these customary amusements are relaxed. And although these specifying clauses in the canon may not be properly said to be thereby abrogated, yet we may justly plead, for our non-observance of them, that general tacit dispensation, which I have so often referred to in my former discourses, as a sufficient discharge, in all cases, for receding from the strictness of the letter of the canons.

There is therefore no room left for censuring those who claim this customary indulgence, and make use of it, so long as they do it with sobriety, decency, and prudence. For indeed it doth still import them to keep within these limits, or otherwise their conduct becomes hurtful to themselves and offensive to others. Whensoever this liberty becomes such a snare to us, that it tempts us, as the canon expresses it, to spend our time idly by day or by night; whenever it breaks in upon any of the duties of our calling, or puts us under the character and denomination of those who do not occupy themselves with honest studies; in one word, whenever it disqualifies us from being examples to others in living well and Christianly, then it becomes disreputable and blamable; is sure to fall under the censure of all considerate and discerning persons who observe it, deserves the censure of our church-superiors, and would fall under that too, if they were seasonably apprised of our fault.

And this, I think, is as much as I need to say on a practice, which, as the times are now, depends more upon custom than upon rule, and is a matter of discretion rather than of ecclesiastical law.

And as for the last canon, entitled, “Ministers at “no time to forsake their calling,” a very short comment upon it will suffice.

There is a constitution in 1571<sup>n</sup> to this effect, from whence I suppose this in the present canons is immediately taken: with this only difference, that

<sup>n</sup> Semel autem receptus in sacrum ministerium ab eo imposterum non discedet, nec se aut vestitu, aut habitu, aut in ulla vitæ parte geret pro laico. Constit. 1571. Gibson’s Codex, p. 184.

the expression in the former, *nec se aut vestitu, aut habitu, aut in ulla vitæ parte geret pro laico*, is thus contracted in the latter, *nec in vitæ suæ instituto pro laico se geret*. The meaning of both is evidently the same, viz. that the ministry, being once chosen by any man to be his profession, must be made his profession or chief business, and be distinguished from the lay-estate in all its apparent characters, till that distinction shall by some judicial sentence be taken away. Our entering into holy orders is indeed a free and voluntary act, but withal it is such a solemn dedication of the remainder of our lives to the service of the church, as leaves us not at liberty to retreat at pleasure from the duties of the function, or to cast off the guise and external badges of our character, till we are stripped of them by some act of deprivation, as solemn and authoritative as that of our ordination.

And this, I think, is all<sup>o</sup> that is implied in the words of the canon, or deducible from them. And that a minister is not thereby prohibited from prosecuting any studies, or exercising any arts that are liberal and useful, though they be commonly ranked among the lay-professions, or temporal callings, such as law, physic, surgery, and in some

<sup>o</sup> And is quite consonant to the ancient canons. “Si quis vero  
“ clericus, relicto officii sui ordine, laicam voluerit agere vitam,  
“ vel se militiæ tradiderit, excommunicationis pena feriatur.”  
Conc. Tur. A. D. 461. c. 5. And that other of the council of  
Chalcedon—“ Eos qui in clero semel ordinati sunt, statuimus  
“ nec ad militarem expeditionem, nec ad secularem dignitatem  
“ posse venire. Qui autem hoc audent, et non pœnitentia ducti  
“ ad id revertuntur, quod propter Deum prius elegerant, ana-  
“ thematizari.” Beveridge’s Cod. Canonum, vol. i. p. 119.

circumstances traffick too<sup>p</sup>. There are measures and degrees within which a clergyman may employ his peculiar talents for any of these ways, with profit to others, and with credit to himself, without either abandoning his proper calling, or being remiss or unfaithful in the discharge of his clerical duties.

Indeed, base and servile labour is prohibited in a former canon. And every mechanical employment, in the way of a trade, is probably included in that prohibition, or, if it be not, it is too much of the essence of lay business to be used by us without blame or discredit: only I would observe here, that as the necessity of a man's circumstances is a law of itself, when no other express law interferes, so if it can be supposed to have place in this kingdom, where there are legal provisions for the ministry, I should imagine that a clergyman, driven by mere necessity to support himself by industry and labour, though in a properly lay business, would stand absolved from all censure, especially if he did at the same time fulfil, to the best of his power, the common duties of his vocation<sup>q</sup>.

<sup>p</sup> By the ancient canons no employments seem to have been expressly forbidden but that of the army. By the apostolical canons the clergy were forbid *στρατείᾳ σχολάζειν* under pain of deposition: which Balsamon and Zonaras interpret not only of bearing arms, but of any kind of employ in the military service. But there seems no warrant from the canon to extend the word *στρατείᾳ*, as some would do, (see Nichols's Supplement,) to all kinds of secular business. Nor indeed is there any necessity to construe *κοσμικὰς φροντίδας*, in another apostolical canon, of lay-business, or worldly business in general. For this means only what men renounce at their ordination, viz. "the study of the "world and the flesh."

<sup>q</sup> And I apprehend thus much is implied in one of the protestations to be subscribed on admission to a cure, by the Adver-

In a word, a minister must do something or other to shew a behaviour, which may justly be interpreted *a forsaking of his calling*, before he can incur the penalty of this canon, which is no less than *excommunication*. A sentence much too severe for those occasional interferences in the occupations of the laity, which I have been mentioning; and yet altogether just and proper to be awarded against those who totally, and, as the canon puts it, “voluntarily relinquish” the ministry. Instances of such abdications are, God be thanked, very rare. And instances of this penalty inflicted are rarer still. For which neglect of church discipline in so extraordinary and unusual a case, there are, I believe, better reasons to be given, than can be assigned for the unworthy behaviour for which the censure was intended.

And here, my brethren, I conclude what I had to say upon the several ecclesiastical laws, in which the parochial clergy are more immediately concerned. Among which I have not omitted to consider occasionally those statute laws too, which any ways relate to the offices of our ministration, as particularly on the article of uniformity, and of the obligation to conform to the rubric as being act of parliament. But as for the remainder of the statute laws, in which indeed we are interested very much, but which relate only to our temporal rights and possessions, and the manner of qualifying ourselves for

tisements of 1564, viz. “I shall not openly intermeddle with any ‘artificers’ occupations, as covetously to seek a gain thereby, ‘having in ecclesiastical living to the sum of twenty nobles, or ‘above, by year.’” See Sparrow’s Collections, p. 128.

a legal claim to them, and the ways of reaping, maintaining, and holding them, and the methods of recovering them when lost, or unjustly detained from us, with every other right or privilege belonging to us, which depends either on common or statute law: I say, as to all these, though they make, when drawn together, a large body, which is not improperly called *clergyman's law*, and likewise contain an ample fund of profitable knowledge to us, I have two reasons to induce me to forbear making them the subject of my discourses to you.

One is, that, indeed, I have made them the least part of my own study and inquiry, and am but ill-qualified to give you any good advice or safe directions concerning them.

The other is, that, were I so much a master of them as to be able to discourse never so pertinently and satisfactorily upon them, yet neither is this a court in which such law points should be canvassed, for they belong properly to the temporal courts; neither am I of the profession of those gentlemen whose province it is to discuss, at least in a public manner, and to determine upon such matters; neither, lastly, must I stand unadmonished by what I myself have been just now suggesting, about the unseasonableness of encroaching (except on some extraordinary occasions) on the proper business of the laity; who are apt enough to remind us of our trespass, if they find we stray beyond the bounds and limits of our vocation. They especially who lay claim to the business now under consideration as peculiar to their own profession, and tax us with going out of our road, whenever we take upon us to

give judgment on points of common or statute law; and indeed with very good reason, should we offer to do so in any open court.

I do therefore very willingly resign this whole branch of study and knowledge into the common lawyer's hands, on whose opinion we may with the most safety rely, in all cases where our temporal rights and properties are in question, and determinable in their courts; and we shall find it employment enough in our own way, nay and find it difficult enough, as I judge by myself, to get tolerably well acquainted with those other laws that come within our proper cognizance, being purely ecclesiastical, and of immediate concernment to our ministry.

A competency of this knowledge becomes every clergyman, though I fear it is generally too much slighted and overlooked by us, as of little account or consequence, in the present low and decayed state of church discipline, and under the discouragements that the study and practice of the canon law meets with, from the extent of jurisdiction now claimed by the temporal courts.

However, as the nature of my office required that I should turn my thoughts a little more to these studies than I should probably have been inclined otherwise to have done; and as it is fit you should share in any benefits, be they more or less, that I am capable of reaping from these studies; I have endeavoured to discharge my own obligations, and pay the respects I owe to you, by collecting and propounding the most useful remarks upon the rubrics and canons that occurred to myself in a careful revisal of them, with all the helps to assist me that

came within my reach. And I shall be abundantly recompensed for any trouble I have taken herein, if I may have reasonable grounds to persuade myself, that you are so good as to accept kindly from me what I have, according to the best of my abilities, drawn up on these subjects for your consideration and use.

# DISCOURSES ON PREACHING ;

OR,

## DIRECTIONS

TOWARDS ATTAINING TO THE BEST MANNER OF DISCHARGING

THE DUTIES OF THE PULPIT :

DELIVERED IN

THREE VISITATION CHARGES.

17. 18. 19. 20. 21.

*To the Reverend the Clergy of the Archdeaconry  
of Northumberland, and of the peculiar Juris-  
diction of the Dean and Chapter of Durham.*

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Rothbury, Aug. 5, 1757.

I NEED not make any apology for sending to each of you the following Discourses, of which I beg your acceptance.

Yet, to have sent them to you without any reason prefixed to them, or without my compliments accompanying them, might justly have been interpreted an omission in me.

You are not altogether strangers to them or their design, having once heard them publicly spoken. But, as you are not acquainted with the reasons, why they were at first introduced into your audience, or why they now attend you at your own doors, I shall beg leave in a few words to apprise you of the motives of my conduct in both these respects.

The substance or principal contents of them were first put into writing, near ten years ago, for the use of one who had just entered into orders, and for whose success and credit in the ministry I had a more than ordinary concern.

And to him they were propounded and recommended under the title of *preaching rules*, or directions towards the attaining to the best manner of discharging the duties of the pulpit, viz. that man-

ner which has been and is generally used by the most celebrated and approved preachers among the English divines.

These rules were thirty in number: comprised in two classes: twenty whereof were directions to be observed in the composing of sermons, and the other ten in the delivery of them.

They were in this first draught little better than a collection of detached or independent remarks on the several modes of preaching, and on the preference of some to others, which had been made, at different times, and on divers occasions, partly by myself, and partly by such of my acquaintance as I knew to be curious in their observations, and judicious in their reflections, on this subject. These, I say, were thrown together, at that time, negligently enough, i. e. without much regard to order or connexion.

But, some years after, (that I may now explain how they came to be laid before you,) when I was considering of something proper to say to you at our meeting in the ordinary visitation in 1755, a thought arose, favoured perhaps by fancy rather than by judgment, that you might be entertained (for so I imagined) with a recital of these pulpit advices, especially of those among them which seemed less obvious to common apprehension. And I so far indulged the conceit, as to resolve to make a trial how they would appear if they were somewhat better disposed and methodised, and put, if that could be done, into the form of one or more charges; not without some reasonable and pleasing presumption also, that, notwithstanding there were many of you whom I could not pretend to instruct in these

things, and from whom the most I could hope for was, that they would take no offence at such advices being offered ; yet there were likewise several, among the younger clergy, who were still closely employed in composition, and had neither hitherto attained a sufficient stock of sermons, nor had formed, by custom and practice, a settled mode or habit of delivery : to whom consequently these preaching rules might be of real use and benefit ; at least so far as a bare recital of them (for nothing more was thought of then) might be supposed to contribute to that good end.—Therefore, under a persuasion that I might be serviceable to some, without falling, at the same time, under censure from others, who wanted no informations of this kind, I at length sorted and distributed the aforesaid rules or advices into three discourses, which I ventured to deliver to you by way of charge at my three last visitations.

And on this occasion it was, that I not only gave to these rules a new disposition, and a better show of order and connexion than they had before, but reduced their number to eighteen for composition, and six for pronunciation. Yet, in other respects, I made little or no alteration in them. Which last circumstance I the rather mention, as it best accounts for my not having preserved that gravity of style throughout, wherewith you have been usually addressed at our public meetings : there being, in these Discourses, not only several phrases, but some comparisons also, which may seem rather too light for the solemnity of a charge. Perhaps, likewise, some exemplifications of the rules (as particularly those in the article of *style*, which are brought to

shew how much better some sort of expressions suit the pulpit than others do) may appear scarce of consequence enough to have been inserted in these Discourses when delivered in your presence.——And yet, my brethren, (for this is all the excuse I have to make for them,) considering how much these kinds of illustrations by similes, allusions, and examples of propriety in certain phrases and expressions, though they may carry, at first sight, some appearance of levity, or too low condescension to minute things; nevertheless, I say, considering how much they help towards imprinting the rules themselves in the memory, (which in this case would want all the helps that could be given it,) I was in hopes they would be thought, on that account, the more pardonable, and so retained all or most of them as I found them in my first draught, which was designed for private use.

And that these Discourses are now at length presented to you in another dress, in which some of you might not expect to have seen them, viz. under types, is entirely owing to a request, that others of your body, at my last visitation, were pleased to make, that I would print them. A request to which I was unwilling to give an absolute denial, and yet with which I could not comply altogether, or in the full extent of it. And therefore, after some deliberation taking a middle way, I have, without publishing them, procured from the press as many copies as may suffice to bear my respects to each of you at your own lodgings; that, upon a second and closer view of them, you may form a better judgment concerning them, and, by having them in your own possession, recourse may at any time be more

easily had to them by those who conceive any advantage may be made of them. Or, whether any benefit may be expected from them or not, yet they may possibly afford some amusement to you ; or, if they shall not afford even that, still I flatter myself they will be kindly received, from the good intention of the donor, and in testimony of the real regards for you which are professed by

Your affectionate brother,

And faithful servant,

THOMAS SHARP.



## VISITATION CHARGE ANNO 1755.

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### DISCOURSE I.

REVEREND BRETHREN,

THAT the meetings of the clergy on these occasions, when there is no extraordinary matter to be communicated to them, may not pass for mere forms, or useless conventions, it has been usual to say something, either of the doctrine or discipline of the established church, or of the duties of the parochial clergy, or on some other topic, relative either to our order or office, or to the ecclesiastical authority that is now exercised within this realm.

For my own part, instead of general exhortations, or *charges* strictly so called, and which, when addressed to the clergy, must, in the nature of them, principally consist in injunctions and monitions to fidelity and diligence in their function, and which, in consequence, come with the best grace from those who are invested with episcopal authority and dignity; I say, instead of these solemn kind of admonitions, I have always chosen to single out of the several clerical subjects some point, of lesser moment indeed, perhaps therefore less attended to, yet not undeserving the attention of the parochial minister. And I choose always to propound what I have to represent, not in an authoritative form, but rather in a brotherly manner, by way of seasonable advice.

With this view, and under this disposition, I shall enter upon a subject which I have never touched upon in any of my former discourses on these occasions, viz. concerning the best manner of discharging our office in the pulpit: or concerning that mode of preaching, which, among many that are used, seems most subservient to edification, i. e. most aptly suited to influence our hearers with good effects.

I do not mean to form any just or regular discourse on a subject with which you are already well acquainted, and which hath been very accurately examined into, and copiously discussed by celebrated writers; (such as Salignac and Gisbert, though indeed their rules and advices are, generally speaking, much better adapted to the French taste and mode of preaching than to ours;) but shall content myself with giving you a few advertisements, (as queen Elizabeth called her articles about preaching,) or certain items, of what seems to be the most material to be considered and observed by the English preacher.

You must be very sensible, and I ought to be more so, of the delicacy wherewith such a point should be handled in your presence, and especially by one who can make but small pretences of any success that may have attended his own practice in following those rules he would recommend. Yet this should not hinder or deter me from freely communicating to you such advertisements, or preaching rules, as have, either by way of private and friendly advice, been given occasionally to myself, or fallen accidentally in my way, and been picked up, at different times, in conversation with eminent

divines and long practised preachers: and which, whether they have had any good effects upon myself or not, were yet, I confess, very acceptable to me, and therefore may not perhaps prove otherwise to you. And if they shall appear to you under the same agreeable light they did to me, I trust that, on further reflection upon them, you will also judge them useful.

There are two general heads under which the several particular advices must be ranged.

The first is *composition*, under which term are included *style*, *invention*, and *method*.

The other is *pronunciation*, or what we commonly call *delivery*; including the whole power, and all the graces, of elocution.

Which last branch of the art of preaching is not, I fear, so well studied and attended to by many of our order as one could wish it were. Though, as to *composition*, it is commonly thought no clergy upon earth do excel our countrymen in it, if they can be said to equal them.

However, that I may proceed in some order and method, I must begin with my advertisements concerning composition: and I shall at this time briefly lay down the capital and most approved rules for forming or regulating the preacher's style, or the language of the pulpit.

I. The grand maxim by which we are to be guided in all those compositions which are distinguished by the name of *sermons*, is this, viz. *That they are verbal instructions*, designed to be taken by the ears of the persons instructed, and are not originally formed to be read by their eyes: therefore like

all other addresses to an audience, if not understood at first hearing, are good for nothing. What may well pass in a written discourse, on which the eye may dwell, will not do so in a sermon *under delivery*; because that admits not of any stop for reflection. Therefore, the first character of a good preacher, in point of *style*, is, that he be understood by every body, as the words come out of his mouth.

For the better attainment of which primary qualification, the second rule comes seasonably in aid, viz.

II. *Long sentences, in sermons, to be avoided* as much as possible. They are too large for the swallow of ordinary capacities. But, break them into three or four distinct sentences, and they will all easily be taken down, and all will become food.

Concise expressions, provided they be also plain and clear, will make their way where long and laboured periods cannot enter.

Good sentences are sometimes lost, because they are not heard; the unhappy consequence of a low voice, or of an irregular unequal pronunciation. But good sentences are oftener lost, (at least among the vulgar,) because when heard they are not immediately understood: and this frequently proceeds from too great copiousness and exuberancy of expression. Whereas *rotundity*, and every other beauty of *style*, is, at any time, to be given up for the sake of *perspicuity*.

The common people, indeed, are apt to call what they cannot understand *high divinity*. But they who give occasion to them to use this phrase will be placed, by considerate men, among preachers of low rank.

Another rule, greatly subservient to perspicuity, is,

III. *Never to keep a principal word in a sentence at a distance*, if it can be brought out early; or, to express it otherwise, *Never to leave the hearer in suspense to the very end of the sentence*, if you can let him into the meaning of it as you proceed in it.

If I should now say, for instance,—*This observation which I am making is not only consistent with, and agreeable to, but indeed results from, the foregoing rules*,—this would be justly called *stammering in style*. For, the plain and unembarrassed language, or the sentence properly continued, would run thus:—*This observation is consistent with the foregoing rules, and is agreeable to them; and not only so, but indeed it results from them*.—I know such like dislocations of principal words are common in writers, who use them as ornaments of language. But they do not suit with the style of the pulpit; in which, I think, it is an universal rule, that *the sentiment to be conveyed must never be hurt, impaired, or obscured, for the sake of embellishing the sentence that conveys it*.

IV. A fourth rule is, *to speak for the most part in the concrete rather than in the abstract*; that is, to unite agents with their actions, and not to separate habits and qualities from the persons that possess them.

Ex. gr. Instead of saying, *Piety and virtue will bring joy and happiness in the end; and sin, however triumphant for a season, will finally bring forth misery and sorrow*; say rather,—*A pious and good man will rejoice and be happy in the*

*end; and sinners, however they may triumph for a season, will be finally miserable and wretched.*

The sentiment, or doctrine, is the very same in both cases; and perhaps the former phraseology may be held more *polite*: yet there is something in the latter which brings the sentiment more home to the ordinary man's mind, and is therefore the more proper for the pulpit.

And it is no small recommendation of this rule, that our blessed Saviour commonly spake in the *concrete*, very rarely in the *abstract*.

And these four rules above mentioned are chiefly to be attended to in the *instructive* or *didactic* parts of a discourse; whereas the *pathetic* or *persuasive* parts of a sermon, not only allow, but require, a greater liberty in language to be taken. Here tropes and figures may be more safely admitted, and all the arts of oratory displayed: and here it is the talent of eloquence, where there is one, ought principally to be exercised. Which brings me to the fifth rule.

V. *To make a suitable difference between the style that is employed in the pathetic and that which is used in the didactic.* For, one and the same form of construction will not agree equally well with both, any more than one and the same mode of utterance and delivery can be used with equal propriety in both.

The whole art of composition, in the *instructive* part, lies in putting truths or sentiments into such an order, and into such expressions, as will carry them into the *understanding* of every attentive person: while the art of *persuasion* lies rather in speaking to the *heart*, and conveying thither the

most interesting and affecting motives, by engaging and insinuating language.

But, neither the didactic nor the pathetic should be continued long at a time. Tedious instructions dull the attention, and tedious addresses cloy the mind.

They do best when properly intermixed. But only the instructive part must still go first: for, the *head* must be properly *informed* before the *heart* can be properly *warmed*.

VI. The sixth rule relates to the decency and modesty of style, viz. *To avoid with care whatever borders upon the pedantic*, and not to depreciate good reasoning by enforcing it magisterially.

Preachers should not appear as *disputants*, nor carry themselves as *preceptors*; they should rather put on the character of counsellors and friendly advisers.

To dictate or dogmatize in an overbearing way, though with truth in one's mouth, renders that truth less acceptable.

It is also a foolish confidence to do so at a time, or in a place, where nobody may contradict one. For, whoso insists, in the pulpit, on what he says being unanswerable, or challenges the world to defeat his argument, (which yet, strictly speaking, he oftentimes might justly and safely do,) yet nevertheless to do so in these circumstances, and before a silent audience, is giving much the same proof of his skill in reasoning that the king's champion doth of his prowess in arms, when he makes his challenge, at the coronation, before the unarmed multitude.

To which let me add another rule, relative also to decency in style, and that is,

VII. Seventhly, *To avoid, as much as may be, egoisms*, or the speaking any thing in the pulpit, upon one's own private judgment or authority.

Monsieur Pascal wished that the pronouns *I* and *me* were banished out of conversation; intimating the disagreeableness of drawing *self* too often into common subjects. And what he observed holds stronger for discarding these terms in the pulpit. For, although in transitions, and on some other occasions, they come in naturally, and are used inoffensively, as,—*I shall discourse,—Consider with me,—I shall proceed next, or,—Let me now conclude,—*and the like; yet, in other places, and on other occasions, they are much better dropped than used. As, for instance, instead of saying, with an egoist,—*I cannot come into this exposition,—I cannot say I see the force of this argument,—*speak rather, to the same effect, in these or the like words:—*This exposition is not to be admitted; it is not easy to see where the force of this argument lies;—*and so on in other like instances.

Indeed our Saviour's discourses do abound with egoisms; because he taught as one having authority, both to correct the received doctrines which needed improvement, and also to teach new doctrines of his own. And, when we shall meet with another infallible guide, or interpreter, we shall readily allow him his egoisms too.

And so much for *style*, or the rules of expression.

I have not time to proceed now to the other articles that fall under this head of *composition*, viz. *invention* and *method*: two things of very great use in framing our discourses for the pulpit; and which

will admit of very easy and practicable rules, as may perhaps be shewn hereafter, if we live to meet again.

At present let the following observation shut up what has been now said upon *style*, viz. that young preachers are but too apt to be solicitous about elegance in their phrases, and study to be *polite* in all their expressions; and sometimes *polish* them *so high*, that vulgar hands can lay no hold on them; and, frequently by these means, they not only over-dress their arguments, but give an unnatural stiffness to their whole composition; whereas old preachers are generally so sensible of these mistaken notions and misplaced labours, that they commonly grow sick of their own juvenile compositions, and scarce know how to bring them up again into the pulpit; at least without some proper retrenchment of the redundances, and such a chastening of the luxuriances of their youthful fancies, as a maturer judgment, formed upon practice, requires them to make. Which knowledge and judgment from experience (I believe an experience generally avowed) gives great confirmation to several of the rules which have been now recommended:—Recommended, you will remember, to your consideration only, and not to your practice, further than you shall, in your own prudence, think it advisable to follow them.

## VISITATION CHARGE ANNO 1756.

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### DISCOURSE II.

REVEREND BRETHREN,

THOUGH I must not flatter myself with thinking, that what I say to you, on these occasions, deserves much to be remembered, yet the subject I took in hand the last year will scarce be so soon forgotten, but that you may retain some general idea of the advices then given you concerning compositions for the pulpit; and particularly concerning the rules by which a preacher may best form his style.

There remain a few advices more, concerning *invention* and *method* in composition, which I had not time then to communicate; but which it is hoped you will now hear with the same patience and candour with which you before attended to the rules for style.

And, that they may appear less tedious to you, I shall not only use what brevity I can in the recital of them, but shall give you them in their original dress, as they were first drawn up and prepared for the better helping of the memory. On which account alone, I persuade myself, you will the more readily excuse some of the quaint terms made use of, and some of the comparisons which are introduced; not out of any ludicrous turn of fancy, but merely for the sake of fixing in the mind

those rules which they serve at the same time to illustrate.

Touching invention, the advices are these :

I. *Never to think one's self obliged, on any subject, to say all that one can say,* (as lawyers do, and properly enough, when they plead in court for fees,) but to content one's self in the pulpit with saying what is most pertinent, most useful and instructive to the auditors.

And, in consequence of this,

II. *Never to pursue any subject over-curiously into its minutenesses,* which is a species of *wire-drawing.* The reason is, because composers are too apt, in such pursuits, to overrun and get beyond clear ideas, and to spin their thread so fine as to lose sight of it themselves. Or, if they think they still see it themselves, yet they should remember that the major part of their audience have no sight at all for fine threads : and, to talk out of sight is the same in effect with talking in the dark ; which, whensoever we seem to be in danger of doing, it is best to give over, and to return to what is plain and intelligible, and suited to edification.

III. *Never to employ invention in explicating things that are already plain :* for this is the way to make those things less plain than they were before, at least to vulgar capacities.

As for instance : what conscience or reason by its common lights inwardly preaches to people, we have no need to teach, but only to remind them of. For these divine admonitions have so far prepared our way, that we use their dictates as so many axioms from which we deduce other truths, as mathematicians do their theorems.

To which may I add, in the fourth place,

IV. *The same rule holds against attempts to explain such things as in their own nature cannot be comprehended by us, or made out more clearly than they already are in the word of God.*

And thus revealed mysteries come under the notion of inexplicable maxims, to which we can no more, by the help of invention, add light, or give weight, than we can to truths that are intuitive.

Therefore, on all such points, whether of natural religion, resting principally on conscience, or revealed religion, resting wholly on faith, no good was ever done, in popular assemblies, by any supposed improvements from *invention*. Philosophers and scholastics will and may debate among themselves as they please upon such first principles; but preachers must not enter into any of their subtleties, lest they should confound men's common ideas of known truths by unnecessary refinements.

But, then, although the great truths of religion and morality require neither enlargement nor decoration from *invention*, but need only to be fairly stated, or pointed out, because, when attended to, they will make their own way by their own weight; yet,

V. *Invention is of prime use and service in conducting the auxiliary arguments, and in bringing up the rear of motives and persuasives to practice.*

When we come, for instance, to enforce a natural obligation, or a plain scripture duty, with special inducements from reason and experience, then we may range freely through all the topics of invention, and ransack the magazines of the orators to find proper matter for our purpose.

And, indeed, were we to go on no further than the three common logical topics, *cur*, *quomodo*, *et quando*, for reasons *why* a thing is to be done, and for directions *how* and *when* it is to be done, they will amply furnish us with matter on most subjects, and especially the practical ones. Upon which I would just take notice of how great consequence to edification the topic *quomodo* is, or the instructing people *how* any duty is to be performed: this being a far more useful lesson to them, and perhaps a more difficult task for us, than the satisfying them *why* or *wherefore* a thing *ought* to be done: and therefore, of all the *loci communes*, to which we have recourse, there is none in which we can more profitably employ ourselves than in this. Every serious and good man will be apt to gather something on this topic from his own experience, and will be able to explain *the how* from his own feelings, and from reflections on his own private conduct, more usefully to others, and more satisfactorily to himself, than by any other method of invention. And happy is he whose heart and conscience can furnish him with a *probatum* of the prescription that he gives to others.

And, to these common places, which are called *the logical*, let me subjoin,

VI. In the sixth place, a sacred topic, peculiarly useful to those who compose for the pulpit, viz. *scripture examples*; of which great benefit may be made, when they are properly selected, and discreetly accommodated to the business in hand. They weigh much with the vulgar, and are easily remembered.

But, one of the largest funds of *invention* is that of,

VII. *Similitudes, comparisons, emblems, &c.* which are greatly recommended by our Saviour's manner of instructing the common people, by parables, by allusions to natural phænomena, by sundry images taken from things of daily use in life, and even by proverbs and vulgar sayings. All which he made beautifully subservient to the illustration of his doctrines.

Only let it be observed, on this article of *similes*, that there ought to be a due share of discernment to distinguish what are proper for a sermon and what are not so. For, as fancy is boundless, so are fanciful comparisons.

As I remember we had, at the university, a peculiar term for extravagant conceits of this kind in the compositions of preachers. I think we called them *white bears*; meaning thereby, such emblems, or similes, as were too bold and striking to be easily forgotten; and yet, from some strange impropriety or oddness in them, could not be remembered but with discredit to the brains that formed them.

Nevertheless similitudes, prudently chosen and sparingly interspersed, are not only great ornaments to a discourse, but have special effects, both in illustrating a doctrine and imprinting it on the mind.

And these, I apprehend, are the most material advices concerning invention.

Indulge me now in a word or two upon *method*.

Every man, you will say, must take his own. True.

True also that no one method of composition whatsoever can be prescribed that will suit with all subjects and all occasions.

Yet, on the other hand, it is no less true that there are *some general rules*, from which we must never depart, if we would have our compositions pass for *methodical*.

I. As, first. *To abide by the subject, whatever it be*, and not to stray or wander from it into points that are not allied to it.

This is commonly called, *keeping close to the text*. Of which good rule some preachers are so little observant, that, whatever text they set out with, they will nevertheless run their chase through the Bible, as if they thought nothing was out of method that was but in scripture, from Genesis even to the Revelations.

Such ramblers from their assumed subject are styled, and not improperly, *universal preachers*. Of which sort, generally speaking, are the *extempore men*; and for a very obvious reason: more obvious than any that is to be given for the like digressions in those who pen their discourses, and have time to weigh and sort their materials, and to dispose them into such form and order, that the several parts of the composition may be adjusted to each other, and every part may be made to contribute to the strength of the whole.

II. But, secondly. It is hardly consistent with method, never with good method, to make excursions into branches even of the same subject, if the consideration of those branches be not authorized by the text itself. For, as discourses are to be confined to the subjects that are treated of in them, so subjects themselves are to be limited by the texts that are taken for them: unless perchance the subject itself happens to be some modern argument,

state topic, or other occasional thesis, to which no text in scripture hath any direct or immediate reference: in all which extraordinary cases, as we must never think to make any text speak what was not originally intended in it, we must content ourselves with such touches upon it, or allusions to it, as may preserve an idea of relation, though perhaps not a close one, between the sermon and the text. But,

III. Of several methods that may be used, *that* will always appear to be the best, whereby the subject contained in the text may be the easiest understood, and the discourse made upon it the easiest remembered.

And it matters not whether this disposition be made by regular and formal divisions into heads, or by any other artificial disposition of the several arguments, for the better engaging the attention at present, and the better helping the memory afterwards.

Some preachers too fancifully adhere to a method of splitting into heads, and into a certain number of them too, on most occasions. I do not mean hereby to blame them; for, what is in method, and due order, is, generally speaking, well. But yet this rule of splitting may oftentimes be changed into a better; and especially on those occasions where the preacher takes upon himself the part of an orator: under which character, the concealment of method often proves an advantage to the address. For a discourse, we know, may be full of art and contrivance, and even elegantly methodical, and yet shall seem, at least to the unlearned, to have no traces of skill discoverable in it. But the victories of elo-

quence are sometimes obtained, like those of great captains, by playing off the concealed batteries ; whereby the audience is more successfully smitten than when the whole tire of artillery is discovered beforehand.

You will still remember, that I am only giving you some general hints of points which may be pursued at leisure by as many of you as are yet employed in compositions, and are not already furnished with a stock of discourses sufficient for the demands of your stations and cures. To work by rule, when we do work, is much better than following fancy and imagination : nay, much better than endeavouring merely to imitate others, though they be writers of the greatest credit and renown : because, unless we know, and mind, and apply to, those same rules which they followed, and which make their writings appear to such advantage, we may indeed imitate them, but really without any resemblance ; and seem to ourselves to follow them close, and yet without coming any thing the nearer to them.

I have not hitherto said any thing on a point, which the French writers on Christian eloquence never fail to mention. They speak of it under the highest characters ; styling it *l'onction* (for which we have no word in English) : and, as they make a distinct article of it, it hath not fallen, so far as it relates to composition, under any of the foregoing heads.

They mean by it, as I take it, a truly religious spirit, that reigns throughout the whole composition, enlivens and sanctifies it, and betokens the composer himself to be a sincere good man ; one

that has a true sense of what he says ; who talks not merely from just ideas, but from a seasoned heart ; evidencing, by the whole turn of his expressions, that he not only does firmly believe all that he advances, but earnestly desires his whole audience may be also convinced of the same.

But indeed this *unction* (if one may so render the French) is as discernible in that other branch of the preacher's character, *pronunciation*, as it is in *composition* ; nay, perhaps sometimes it may be thought more so. You will see what is meant by it, when it is spoken in regard to *delivery*, in my next discourse, should it please God to give me another opportunity of going through with my preaching rules, at our meeting together on a like occasion.

## VISITATION CHARGE ANNO 1757.

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### DISCOURSE III.

REVEREND BRETHREN,

YOU may well expect I should at length make an end of a subject on which I have already twice addressed you ; and though I am sensible of my own inabilitys to do it justice, and treat it as worthily as it deserves ; yet, as you have been pleased to attend to my advices, such as they be, on a subject so extremely well suited to these occasions, I had rather make a third experiment of your candour, than fail, in fulfilling my part on a point of such consequence to us all.

I shall therefore now proceed to give you the remainder of those rules for preaching, which I thought, and I hope, from what you have heard of them already, you think too, not to be undeserving your consideration.

My first Discourse, you may recollect, was wholly taken up in setting forth, in several particulars, *How our style may be best adjusted and accommodated to the use of the pulpit.*

In my last, this time twelve months, I treated on *invention and method, and of their singular use in framing and drawing up sermons.* And under one or other of these heads, I laid before you, as I think, all the approved rules for *composition.*

And the point that comes now to be spoke to,

by way of conclusion, is, *the manner of discharging ourselves in the pulpit*, or what we commonly call *delivery*: which is the art of happily executing with the tongue, what is previously schemed and prepared with the pen.

And indeed this, when you consider it well, will be found a most material article in our subject. For, what is *style*? what is *invention*? what is *method*? if there be wanting that which alone can set off, and give life and grace to them all, viz. a *proper elocution*, or a *just delivery*?

And this, as I once before took the liberty of intimating to you, is that part of the public service which our English clergy—pardon the suggestion—do not so thoroughly study as might be wished.

The late judicious bishop of London, Dr. Gibson, who understood the laws of the pulpit as well as any other of ecclesiastical denomination, was very sensible of this defect in many of our order: and, in one of his charges, reminds his clergy of what Demosthenes is reported to have said, when he was asked, what was the first qualification of a good orator?—He answered, *pronunciation*.—When asked again, what was the second?—he answered again, *pronunciation*.—What the third? still *pronunciation*: as if, without *that*, no oration could be worth attending to.

It is true that *pronunciation*, among the ancients, included the whole action of the speaker, or the co-operation of all his members with his tongue, the more vigorously to impress his sentiments on the hearers.—Which combined arts of address, in the Greek and Roman orators, were indeed to great purpose in their days, considering the arguments

they had to treat upon, the customs and privileges of the courts in which they pleaded, and the temper and taste of their auditors. And it is as true that with us the case is far different, and that our subjects, though they afford light and life much beyond theirs, yet would be injured by being handled with contention and vehemence: for they are of a more delicate nature, and are best set off in *solemn composure*, or what we may more properly call, in opposition to the practised movements of the ancients, *a majestic tranquillity*. For, agitations of the body, or theatrical gestures, are a kind of gasconade in the pulpit, which we readily resign to a neighbouring nation. Our people would not be pleased with such scenical representations, or enthusiastic behaviours; neither, if they would, ought we to encourage them in so false a taste.

But then, seeing we are, in a manner, obliged to lay aside the use and study of that part or mode of *pronunciation* which consisted in *action*, how much greater reason have we to cultivate and improve all the powers of *the tongue*, and to exercise ourselves in all the possible graces of *eloquence*; in which the whole art of our *pronunciation*, or *delivery*, must now consist?

A few general advices on this head will be sufficient, and, I will presume, not unacceptable.

I. In the first place, I believe, you will readily agree with me, that the use of notes, which is a very valuable privilege, and in many respects beneficial, was never designed to destroy the energy, deaden the vivacity, or even in any wise restrain the force and effects of a discourse upon the audience.

How greatly then is this advantage abused, when it tempts us to read with apathy what ought to be spoken with as much life and spirit, as if it flowed unpremeditated!

Hence comes the unlucky distinction between *preachers* and *readers of their own sermons*. The one speak or deliver themselves like *advocates* at the bar: but the other more like *the clerk of the court* reading the indictment behind the *table*.

Towards the remedy of which misuse of notes, let it be observed, secondly,

II. *That we should endeavour to preach in the manner we talk*, provided we do it loud enough to be heard, and leisurely enough to be heard distinctly.

This is, in some measure, intimated in the very terms we use for this part of our ministration: *homilies*, from the Greek word; *sermons*, from the Latin; *discourses*, English: all of them importing an easy familiar kind of address to the people.

And whereas there is something in every man's talk which is peculiar to himself, it is further advisable for every one, in preaching, to keep to his peculiar or usual manner of elocution. For, what is most natural is generally most becoming; and the taking pains to alter our customary mode of pronunciation seldom turns to good account:—besides that, what is got by art, or by imitating others, is ever apt to be attended, more or less, with a spice of affectation.

And this rule, being mentioned, leads us directly to another, which is,

III. *To avoid in preaching, as we do in common life, sameness of tone, and sameness of cadence.*

A musician, that plays only on *one string*, or always in the *same key*, will never make good music.

The voice is capable of infinite modulations, and ought to be exercised in all that variety that is requisite for expressing both the force and beauty of every sentiment that is conveyed by it to the audience.

But, where this study is quite overlooked, and this care totally neglected, ill customs take place, and, being continued, become at length inveterate. There are some who yet retain the cant they got at school ; and, what is more strange, they retain it only in the reading-desk and in the pulpit ; and, being *men* in *sense*, learning, and argument, are still *boys* in *delivery* ; repeating their sermons with their books in their hands, at *seventy*, as they did their lessons at *seven*.

But, how well soever the *tone* and *cadences* may be adjusted for making the discourse pass off agreeably, yet there is something further necessary to a good *delivery*, namely,

IV. *That we should observe time and measure in what we say*, so as not to be always in the *same strain*, either uniformly *rapid* or uniformly *slow*.

For, as compositions are not all of a piece, that is, of one and the same kind of stuff and texture throughout, but consist of parts which have a different structure and cast, so neither should one and the same measure of recital be used with them from the beginning to the end.

Some passages require a swifter execution ; others a more deliberate. Our fluency should be like that of the streams, which hasten over the shallows, but move slowly in deep places.

Indeed a continued rapidity, besides its being wasteful and unthrifty, by expending much matter in a little time, hath other unfriendly consequences. For it doth in appearance put all topics upon the level; and makes a man seem to treat even mysteries in religion with the same haste and unconcern, as if he was talking about indifferent things.

You may have known, perhaps, some formal persons, who would, in their common conversation, speak as gravely and solemnly upon a straw or a feather, as if they were treating a point of divinity. This seems absurd enough. But, it is much more so when the case is reversed, and the most interesting subjects are spoken of with as much negligence and precipitancy, as if the theme were of no greater consequence than a feather or a straw.

Yet, what has been observed about *tones* and *cadences*, *time* and *measure*, must not interfere with the fifth rule, which is,

*V. To preserve a sufficient exertion of the voice, through every part of the discourse.*

They indeed who have weak constitutions and low voices must do as well as they can; and what cannot be helped will never be excepted against.

But I point this advice to others, who neither want lungs, nor have any design of sparing them, but yet, through an ill judged mode of speaking, accustom themselves to drop or sink their voice towards the close of their sentences, or suffer it to die away in their cadences; whereby they really, though undesignedly, deprive several of their hearers of part of their discourse, and leave them to supply by conjecture those remnants of the sentences which they cannot recover by their ears.

This is preaching by halves to auditors so circumstanced: it is a kind of stifling in the birth what should be delivered and brought forth complete and entire.

Let me add, that all these rules above mentioned, hold equally good, be our natural command of voice more or less, being equally practicable by all of us within that sphere or compass, be it greater or smaller, which we can audibly fill.

And now we are prepared for the sixth and last rule, which indeed comprises all the former, and is properly the aggregate of them all; and this I shall give you in Tully's definition of *pronunciation*, so far as we are concerned in it.

VI. *Pronunciatio est ex rerum et verborum dignitate vocis moderatio.* To rule and guide the voice by the import of the sense, and the turn of the diction: to frame and adapt it to the subject-matters we treat of, and to the words by which we describe them: to mould our delivery into their shapes, so far as it is capable of taking new forms, and to alter it as the topics themselves change.

Were a man, for instance, to give his advice to some dear friend, about points of the utmost moment to his family or affairs, surely he would model his voice after another manner than if he was reading a paragraph of foreign news in the gazette.

Matters of weight must be delivered, *ex rerum dignitate*, distinctly and slowly, to those whom they concern; and with such an air of seriousness, as may best express the speaker's internal sense of their importance to be attended to; and which, in discourses concerning religion, makes a principal part of that *unction* which the foreign writers on

this subject hold essential to the perfection of a Christian orator.

Thus, for instance, as often as mention is made, in our discourses from the pulpit, of God's attributes and perfections, or of any thing that borders upon the majesty of the Divine Being, it must be done with suitable reverence and humility: speaking *of* him, *ex cathedra Christi*, as we would speak *to* him, *stantes ad altare*: which gives the full image of what I mean.

But other things are to be handled less awfully, and with more spirit.

The Devil and sin with an accent of indignation and aversion.

The pretences and scoffs of unbelievers with an air of resentment and disdain.

But sinners themselves (they are our brethren) are always to be spoken of with pity, shame, and concern.

God's favours and promises are to be exhibited with confidence, or a lively assurance.

His threatenings and terrors with a foreboding dread and solicitude.

Instructions are to be given with uniform clearness and distinction.

But the persuasives are to be urged with all the variety of pathos that we can give them.

And then, as for transitions and all other sentences that serve only to connect the parts of the discourse together, let them be recited, as things of no consequence, with the utmost indifference.

I am just coming, I see, to the end of my paper, and so must comprise as much as I can in a few words.

Such is the benefit and power of art in delivery, that even a *stop* or a *pause* properly made, and on some occasions, shall be equivalent to a *sentence*.

And a short sentence that is big with matter, and well prepared, being also emphatically spoken, shall be sometimes as significant in its effects as a whole *period*, or any laboured tour of words.

And a *period*, delivered by one who is master of *pronunciation*, shall be better remembered, and do more good, than a whole sermon from the mouth of another who is regardless of his *delivery*.

THE END.

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Sharp, Thomas, 1693-1758.

The rubric in the Book of Common Prayer and the canons of the Church of England, so far as they relate to the parochial clergy, considered in a course of visitation charges. To which are added, three discourses on preaching. Oxford, University Press, 1834. xvi, 333p. 24cm.

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